

7.10.53.	Statement of M. Murtaza Ahmad Khan Baksh (called by Majlis-1-Amal) Witness No. 43.	491 - 516
7.10.53. 8.10.53.	Statement of H. Khadim Hussain (called by Majlis-1-Amal) Witness No. 44.	517 - 544.
9.10.53.	Order of Court ordering inquiry Posters.	545.

GOWALMANDI KILLING.

10.10.53.	Statement of Hidayat Ullah (called by Ahrar) Witness No. 45.	547 - 550.
"	Statement of Hussain Baksh (called by Ahrar) Witness No. 46.	551 - 552.
"	Statement of M. Ghulam Nabi, M.L.A. (Called by Ahrar) Witness No. 47.	553 - 556.
"	Statement of Ghulam Ahmad (called by Ahrar) Witness No. 48.	557 - 558
"	Statement of Chiragh Din. (- do -) Witness No. 49.	559 - 560
"	Statement of Abdur Raof (- do -) Witness No. 50.	561 - 564.
"	Statement of Master Abdul Majid. (do -) Witness No. 51.	565 - 566.
"	Statement of Mr. Abdul Haye, Mag. (-do-) Witness No. 52.	567 - 572.
"	Statement of Hakim Muhammad Jamil. (-do-) Witness No. 53.	573 - 575.
"	Statement of Mehr Din. (-do-) Witness No. 54.	575
"	Statement of Siraj Din. (-do-) Witness No. 55.	576.
"	Statement of Muhammad Hanif Witness No. 56.	(-do-) 576.
"	Statement of Ghulam Hussain Witness No. 57.	(-do-) 577 - 578
"	Statement of Taj-ud-Din. Witness No. 58.	(-do-) 578 - 579.
"	Statement of Ala-ud-Din. Witness No. 59.	(-do-) 579.
"	Statement of Sardar Muhammad Witness No. 60.	(-do-) 580
"	Statement of Maqbul Ahmad Witness No. 61.	(-do-) 580 - 581.
12.10.53.	Statement of Mr. Ata Muhammad Noon D.I.G., Police, Witness No. 62.	(-do-) 583 - 592.
"	Qazi Ehsan Ahmad Shujaabadi Witness No. 63.	(-do-) 593 - 596.

13.10.53.	Statement of Mr. Said Malik, Amir Jama'at- -i-Islami (called by Jama'at-i-Islami) Witness No. 64.	597-614
13.10.53. 14.10.53.	Statement of Mian Tufail Muhammad, ex-General Secretary (Called by-do-) Witness No. 65.	615 - 646
15.10.53.	Statement of M. Abdul Haleem Qasmi (-do-) Witness No. 66.	647 - 662
19.10.53.	Statement of Mehr Muhammad Hayat (called by Ahrar) Witness No. 67.	663 - 666
	<u>S. I. A. L. K. O. T.</u>	
20.10.53.	Statement of Aftab Ahmed, (called by Court) Witness No. 68.	667 - 669
"	Statement of Muhammad Zamir. (-do-) Witness No. 69.	669 - 675
"	Statement of Sh. Muhammad Hussain, -do- Witness No. 70.	675 - 682
"	Statement of Muhammad Akram, -do- Witness No. 71.	682 - 684
"	Statement of Nazir Ahmad. -do- Witness No. 72.	684 - 686
"	Statement of Muhammad Sadiq Shah, -do- Witness No. 73.	686 - 690
"	Statement of Mst. Musarat Sabra, -do- Witness No. 74.	691 - 696
"	Statement of Mohammad Ishaq, Wazir- -do- abad, Witness No. 75.	696 - 697.
21.10.53.	Statement of Muhammad Ali Kandhalvi, -do- Witness No. 76.	698 - 728
"	Statement of Allama Khalid Mahmud. -do- Witness No. 77.	729 - 740
"	Statement of Kh. Abdul Latif (Camera) Witness No. 78.	741 - 749
22.10.53.	Order of Court.	751.

S I A L K O T.

22.10.53.	Statement of Mr. Mansur Hassan, Secretary (Called by Court) Muslim League, Gujrat, Witness No. 79.	753 - 769
"	Statement of M. Aftab Ahmad, President. Witness No. 80.	769 - 776 (Called by Court)
"	Statement of Sufi Ghulam Nabi. Witness No. 81.	-do- 776
"	Statement of Muhammad Yusuf, Witness No. 82.	-do- 776 - 777
"	Statement of Agha Sikandar Ali Khan. Witness No. 83.	-do- 777 - 778
"	Statement of Muhammad Iqbal, Witness No. 84.	-do- 778 - 782
"	Statement of Siraj Din, Witness No. 85.	-do- 783
"	Statement of Habib Ullah, Witness No. 86.	-do- 783 - 788
"	Statement of Zahur Ali, Witness No. 87.	-do- 788 - 792
"	Statement of Pir Bashir Ahmad, Witness No. 88.	-do- 792
"	Statement of Sultan Mahmud, Witness No. 89.	-do- 792 - 798
"	Statement of Mahmud Ahmad Zafar, Witness No. 90.	-do- 799 - 801
23.10.53.	Statement of Lt. Col. Khushi Muhammad, Witness No. 91.	-do- 803 - 815
"	Statement of Professor R.C. Thomas, Witness No. 92.	-do- 815 - 816
"	Statement of Latif Hussain, Witness No. 93.	-do- 817
"	Statement of Muhammad Ali (No. 722) Witness No. 94.	-do- 817 - 818
"	Statement of Fazal Karim. Witness No. 95.	-do- 818 - 819
"	Statement of Mr. Aslam Hayat, Witness No. 96.	-do- 819 - 822
"	Statement of Aftab Ali, Station Master, Sialkot, Witness No. 97.	-do- 823
"	Statement of Ata Ullah (Painter). Witness No. 98.	-do- 823 - 824
"	Statement of Allama Muhammad Yaqub. Witness No. 99.	-do- 824 - 830
26.10.53.	Orders of Court summoning witness.	831 - 834
27.10.53.	Statement of Muhammad Baqar, Called by Juma'at Witness No. 100.	-1-Islami. 836 - 856
28.10.53.	Statement of Mr. Muhammad Shafi, Witness No. 101.	-do- 857 - 866

29.10.53.	Statement of Sayyah-ud-Din, Called by Jama'at- Witness No. 102.	i-Islami.	867 - 872
29.10.53.	Statement of Muhammad Ishaq, Witness No. 103.	-do-	873 - 875
29.10.53.	Statement of Muhammad Amin Islahi, Witness No. 104.	-do-	877 - 916
2.11.53.	Statement of Abdul Karim, Called by Ahrar. A.S.I., Witness No. 105.		917 - 921
3.11.53.	Statement of Kh. Nazir Ahmad, Called by Court. Witness No. 106.		923 - 988

7th October 1953.

29th sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Bashir Ahmad, Advocate, assisted by
Messrs. Abdur Rahman Khadim, Asadullah
Khan and Ghulam Murtaza Khan, Advocates, for
Sadr Anjuman Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Maulana Daud Ghaznavi, Member, Majlis-i-Amal,
With Mr. H. S. Suhrawardy, Advocate.

Mr. Yaqub Ali Khan, Advocate, assisted by
Raja Said Akbar Khan, Advocate, for Mian
Muntesz Muhammad Khan Daultana.

Mr. Said Malik, Ameer-i-Jamma'at-i-Islami, in
person.

Witness No. 43 (Called by Majlis-i-Amal)

Maulana Murtaza Ahmad Khan Maikash, on S.A :-

I have been associated with the Muslim League since
1936. I have been a member of the Council of the Muslim
League. There was a pact between the Quaid-i-Azam and
Sir Sikandar Hayat in 1937 or 1938 at Lucknow. The
conditions of the pact were :

- (i) Sir Sikandar Hayat Khan, who had hitherto been a Unionist, to join the Muslim League; and
- (ii) a promise on the part of the Quaid-i-Azam not to interfere with the internal affairs of the Punjab.

After the pact a re-organisation committee was constituted and I was one of its nine members. The Punjab Provincial Muslim League appointed me a co-opted member of the Council of All India Muslim League. I continued to be a member of the Council till 1951 when Mian Muntaz Muhammad Khan Daultana was elected President of the Provincial Muslim League. I was against co-opted as a member of the Council, but I declined to undertake the responsibility due to personal reasons.

Q. What were your political inclinations before you joined the Muslim League ?

A. I have been a journalist since 1921. Originally, my political conviction was that our object should be to attain independence and to remove the political domination of foreign powers on Islamic countries. I was, therefore, a supporter of the Khilafat movement.

To Court :

Q. Did the Khilafat movement exist in 1928 ?

A. No.

Q. When did it cease officially.

A. Perhaps in 1923.

Q. Please try to recollect and say whether this movement did not continue long after the Turks had abolished Khilafat?

A. It continued nominally. The object of the movement was to resuscitate Khilafat which had been abolished by the Turks.

Q. When did the Turks abolish it ?

A. In 1922.

EXAMINATION IN CHIEF CONTINUED BY MAULANA DAUD
GAZNAVI :-

The Khilafat movement had other objects, namely, Hindu-Muslim Unity, the improving of the religious, moral, social and economic conditions of Mussalmans in India.

That I was a supporter of the Khilafat movement in so far as it aimed at resuscitating the institution of Khilafat among the Turks.

Q. When did you adopt Pakistan as your ideal ?

A. In 1927, after the publication of the Nehru Report.

I was opposed to the recommendations made in that Report and, therefore, wrote a series of articles on the subject: "Hindi Mussalmanon ko watan ki zarurat".

These articles appeared in the daily "Inqilab".

I then became convinced that a separate homeland for the Muslims was necessary by partition of the sub-continent.

The Muslim League adopted the Pakistan objective in 1940.

To Court:-

Q. What was the date of the Nehru Report ?

A. It was 1927.

Examination-in-Chief (Continued) :-

I presented the conception of Pakistan in 1928.

To Court:

Q. When did Allama Iqbal first express his views about the necessity of a separate homeland for the Mussalmans of India ?

A. In 1931.

Q. On what occasion ?

A. At the annual session of the Muslim League in 1931.

Q. When did he reply to Nehru's idea of nationalism for the Mussalmans of India ?

A. Shortly after the publication of the Report.

Q. Will you deny, if it is put to you by the Court, that immediately after the publication of the Nehru Report Allama Iqbal was the first man to give the idea of a separate homeland for the Mussalmans of India and that this was long before 1931 ?

A. He said nothing about a homeland for the Muslims of India long before 1931.

Q. What is the date of his lectures on the Re-construction of Islam ?

A. 1926.

Q. Anything in those lectures about a separate homeland for the Muslim ? Have you read those lectures ?

A. I have read those lectures, but I found nothing there in regarding any homeland for the Muslims of India.

Examination-in-chief (continued) :-

My idea of a separate homeland for the Muslims of India was based on the Two-Nation theory. The Two-Nation theory was based on religious differences of the Hindus and Muslims. In a country populated by two different nations it is necessary that there should be a separate representation for them, but this necessity is not based on religious faith.

Q. Do you think that, as a matter of religion, a non-Muslim can rightly represent Muslim interests ?

A. I am not a Mufti to be able to answer this question.

Q. Was there a pact in 1916 between the Muslim League and the Indian National Congress, according to which, separate representation for the Muslims was recognised by the Congress.

A. Yes. There was no idea of a separate State for the Mussalmans in 1916 and the Hindus and Muslims dealt with each other merely as two separate communities.

Q. Since when have you been active against the Ahmadis ?

a. Since I attained the age of discretion.

I wrote a series of articles under the heading :

"Qadianiyyat ke kasa-i-sar par Islam ka alburz
Shikan gurz".

against Ahmadiyyat in the daily "Ehsan". This was in
1934 - 1935.

after the establishment of Pakistan, I was editor
of "Maghrabi Pakistan". In that paper also I wrote a
series of articles against Ahmadiyyat. I particularly
contributed to that paper articles under the heading :
"Pakistan men mirzaiyyat ka muqam". These articles were
written from a political point of view. I consider
Ahmadiyyat to be a constant danger to Pakistan.

The Ahmadis were against the partition of the
Indo-Pakistan sub-continent.

Q. Please look at the pamphlet Bx. D.3./49,
page 51, and say whether you came across this
book before ?

a. I did not read this book before, but I now find
at page 51, which purports to have been written
by Chaudhri Sir Muhammad Zafarullah Khan, that he
praised Mirza Bashir-ud-Din Ahmad Mahmud for his
opposition to the establishment of Pakistan and
propagating the doctrine of akhand Hindustan.

Q. What were the repercussions of the speech that
Chaudhri Sir Muhammad Zafarullah Khan made in
Karachi at a meeting of the Ahmadiyya organisation
in May, 1952 ?

A. There were meetings of protest against this speech throughout the country, particularly in the Punjab.

Q. Were you a member of the Punjab Majlis-i-Amal ?

A. Yes.

Q. Were you also a member of a deputation, appointed by the Majlis-i-Amal, which waited on the Chief Minister, Punjab ?

A. Yes. I was a member of a deputation, appointed by the Majlis-i-Amal, which waited on the Chief Minister, Punjab, on 29th September, 1952.

Q. Please look at the report of the speech (Ex. D.I./50) delivered by Chaudhri Sir Muhammad Zafarullah Khan in Karachi in May 1952 and say whether you saw this version of the speech in the "Alfazi", dated 31st May 1952 ?

A. I saw this version just after the publication of this paper. The tone and tenor of the speech created great indignation among the Muslims.

The deputation, which waited on the Chief Minister, Punjab, presented to him a written memorandum containing grievances of the Muslims against Ahmadis in so far as they related to the Provincial administration.

Q. Were you a member of any deputation that waited on the Prime Minister of Pakistan ?

A. Yes. I saw him twice, first on 13th August and then on 16th August, 1952.

In our meeting with him on 13th August we presented to him a written representation concerning the Ahmadis.

He said that he would discuss the matter with us sometime after the Independence day which was to be celebrated on the following day. We again met him on 16th August. We had a detailed discussion with him. He said that our demand relating to the declaration of Ahmadis as a minority was within the sphere of the Constituent Assembly. We asked him whether, as a leader of the Assembly, he would or would not raise that question. He said that he would consider this matter. As regards the demand for the removal of Chaudhri Sir Muhammad Zafarullah Khan, the Prime Minister said that he had been appointed by the Quaid-i-Azam and that it was difficult to remove him. We told him that if the Quaid-i-Azam had been alive, he would not have tolerated Chaudhri Muhammad Zafarullah Khan in the Cabinet. He finally expressed his opinion that he would not take any action in the matter of Chaudhri Muhammad Zafarullah Khan. As regards our grievance against the reservation of jobs for the Ahmadis, the Prime Minister said that it concerned the Provincial Administration. As to our demand for the removal of Ahmadis from key-position and stopping their further appointments to such posts, he said that we would have to present our case and that he would then consider the matter sympathetically. He asked us if we had seen the press communique issued

by the Government of Pakistan. We said that we had seen it and also the statement of Chaudhri Muhammad Zafarullah Khan.

Sardar Abdur Rab Nishtar, Mr. Gurmani and Mr. Fazlur Rahman were also present at that interview. We asked the Prime Minister what right Chaudhri Muhammad Zafarullah Khan had to issue such a statement, without consulting other members of the Cabinet. The Prime Minister kept silent. I then told the Prime Minister that if I had been in his place, I would have required an explanation of Ch. Muhammad Zafarullah Khan for having issued that statement without reference to his colleagues. We then left.

Q. Have you read the written statement filed before this Court by the Sadar Anjuman Ahmadiyya, Lahore?

A. Yes.

Despite this statement I cannot modify my own view about the Ahmadis. They are, in my opinion, still Kafirs.

Court Question: What about the Lahori Branch of the Ahmadis ?

A. I consider them also outside the pale of Islam.

To Maulana Daud Ghaznavi, Contd.-

The Multan incident took place on 19th July, 1952. I went there on 21st July as a member of an investigating

committee appointed by the Punjab Majlis-i-Amal. All the streets of the town were full of people. We stayed at the shrine of Hazrat Musa Pak Shahid. A number of processions came to us there. We asked the people to be peaceful and promised that we would make an inquiry into the incident. The people told us that the firing was wholly unjustified and that Mr. Gardezi, a Minister of the Province, had gone to Lahore to confer with the Chief Minister. Mr. Fazal Ilahi Piracha, another Minister, was already in Multan. He was trying to pacify people. On the following day also crowds of people began to come to us. At 1 o'clock on the afternoon of that day, we decided to issue an appeal to the people to re-open the shops and to call off the strike. We sent volunteers to the town to proclaim this appeal. Two hours afterwards the volunteers returned weeping and said that people were not believing them. We then called the Chaudhris of the town. Some two hundred of them came to us in the evening. We explained the situation to them and asked them to induce people to open their shops. They promised to use their influence, and on the following day the strike was called off and the shops were opened.

TO COURT:

Q. Are you a poet ?

A. Yes, I used to be one but have ceased to be.

- Q. What is the meaning of the word "mai" ?
- A. Anything that produces sukr (intoxication),
- Q. Does mai also mean the intoxicating effect that the eyes of the beloved produce on the poet ?
- A. Yes.
- Q. When you call yourself "maikash", in what sense do you use the word "mai" ?
- A. In the sense that I produce intoxication among the readers of my poetry.
- Q. Are you a student of Muslim history ?
- A. Yes.
- Q. Since you call yourself maikash, will you tell us which of the Khalifas used to drink ?
- A. Yazid, and after him several others.
- Q. Who was the Khalifa who was constantly drunk ?
- A. Yazid the second.
- Q. Who was the Khalifa who used to drink every Friday after divine service ?
- A. I do not know.
- Q. Have you ever heard of Husham ?
- A. Yes, but not in that connection.
- Q. Did the fact that some of the Khalifas used to drink, make any difference in their Khalifat ?

Not to be published.

A. I would call the Khalifas who drank without any authority from Sharas, as fasias and fallis.

Q. What about the fugaha ? Did they also, according to Islamic history, use to drink ?

A. The fugaha did not use to take strong drinks but only nabbeez.

Q. It is stated in books of history that some of the most difficult philosophical questions were discussed by the fugaha in Baghdad and Damascus when they were drunk. Do you know anything about it ?

A. I have not read anything.

Q. Have you read Amir Ali's book on Saracens ?

A. Not fully.

Q. When was purdah in the present form introduced in Islam ?

A. This institution existed from the very beginning.

Q. Have you ever heard of Walid the second and Qadir Billah ?

A. Yes.

Q. What sort of people were they ?

A. They were Musalmans and Khalifas.

Q. Did the conduct of Walid the second and his courtiers with the women have anything to do

Not to be published.

with the segregation of sexes ?

A. I know nothing about it.

Q. What was Qadir Billah's view about the segregation of sexes ?

A. I have never read anything about it.

Q. Was Qadir Billah a progressive or a reactionary Khalifa in your opinion ?

A. He was a reactionary Khalifa.

Q. Were you at any time in favour of nationalism for the Muslims of India.

A. Never.

Q. Have you read the speech of the Qaid-i-izam delivered to the first session of the Constituent Assembly on 11th August in Karachi.

A. I have never read that speech.

Q. Please read this speech and say whether it completely accords with your conception of a separate state of Muslims ? (a typed copy of the speech handed over to the witness, and after going through it, he says) :

A. The conception of the state which Qaid-i-izam held out in the speech is fundamentally opposed to my conception of a state of Muslims.

Q. What is Allama Iqbal's conception of a Muslim State ? Have you ever thought over it ?

A. I have never thought over it.

Q. Have you read Allama Iqbal's lectures on Reconstruction of Religious Thought ?

A. I read them when these lectures were delivered.

Q. Where were they delivered and when ?

A. In Madras, probably in 1927 .

Q. Has Allama Iqbal said anything about Ahmadiyyat in anyone of his speeches or lectures or writings?

A. Yes.

Q. Have you read anyone of those speeches or writings?

A. Yes, I read something on that subject written by Allama Iqbal, but I cannot now recall his views.

Q. What is a religio-political State ?

A. I have never heard of it.

Q. Did not this expression strike you when you read Allama Iqbal's writings ?

A. I might have come across such an expression in the writings of Allama Iqbal but they never struck me to carry any significance.

Q.. You do not accept the idea of one nation of Pakistan, consisting of different communities, and treating their religion as a private affair. Is it so ?

A. I do accept the idea of one nation of Pakistan, consisting of different communities; with equal rights of citizenship and each community treating its religion as a private affair.

(again said)

Because the Muslims will be in a majority in such State, the other communities will have equal rights with them, but the entire community consisting of Muslims and non-Muslims will not be treated as one nation.

Q. Have you heard Allama Iqbal's views on Khutba-i-Nabuwat ?

A. Yes.

Q. Please explain the principle on which he thinks that for the evolution of human society;

a time must come when the series of prophets was to cease ?

A. As far as I can recollect, Allama Iqbal has propounded the view that when for the evolution of society a system has been perfected, the necessity for prophethood ceases.

Q. This is the view which every ordinary preacher from the mosque pronounces. A moment back you said that Allama Iqbal gave a new reason for the cessation of prophethood. Please state that idea ?

A. I cannot.

Q. Do you think there was any difference between Allama Iqbal and Quaid-i-Azam's conception of a separate state for the Muslims ?

A. Yes. Their respective views were different.

Q. Please state the fundamental distinction between the two views ?

A. There is difference in the view expressed by the Quaid-i-Azam in his speech to the Constituent Assembly on 11th August, 1947,

and Allama Iqbal's view that the Government of the new state for Muslims would be based on Islamic religion and culture.

Q. any reference to this idea of Allama Iqbal in any one of his writings ?

A. I should be able to give a reference to the text after I have consulted his books.

Q. Has Allama Iqbal in any one of his writings or speeches considered the position of non-Muslims in an Islamic State ?

A. I cannot remember any such discussion by Allama Iqbal.

Q. You have said that Ahmadis are a danger to Islam. Have you read the theory of internal and external danger to the Islamic system propounded by Allama Iqbal ?

A. No.

Q. Since when have you been the editor of 'Muniri Pakistan' ?

A. Since 1948. I belong to Jullundur and came over to Pakistan on Partition.

Q. What were you doing in Jullundur ?

A. Even before the Partition I was the editor of

various Urdu dailies.

Q. Did 'Maghribi Pakistan' write any articles against the Ahmadis after July 1952 ?

A. I had severed my connection with the 'Maghribi Pakistan' in March 1951.

Q. Do you think you are entitled to adopt direct action against a government on political grounds ?

A. The kind of direct action that was decided upon by the Majlis-i-Azad could, in my opinion, be rightly adopted even on political differences with Government.. The same is my reply if the differences with Government were based on religious grounds.

Q. Do you think that when the Prime Minister of Pakistan was holding repeated parleys with the Ulama, he was trying to take them into his confidence in the interests of the State ?

A. No.

Q. Have you read the Objectives Resolution of the Constituent Assembly ?

A. Yes.

Q. Does it accord with the principle which the

Quaid-i-Azam emphasised in his speech to the
Constituent Assembly on 11th August ?

A. No. It is opposed to that speech in fundamentals.

To Mr. Fazal Ilahi, on behalf of the Punjab Government.

I was on the editorial staff of the 'Inqilab'
from 1927 to 1930. In 1929 I started my own paper
'Afghanistan' which was a fortnightly Persian paper.
This paper was meant for consumption by Afghans.

Q. What were your doings since 1944 ?

A. I was editor of the 'Shahbaz', a daily Urdu
paper, and I severed my connections with this
paper in 1944. After 1944 I engaged myself
in literary work. During this period I also used
to contribute articles to news-papers. I also used
to write articles in the 'Zamindar' and the 'Azad'

Q. Please look at the articles Exs. D.E.51 and D.E.-
52 published in the issues of the 'Zamindar' of
17th and 18th September, 1952, respectively.

Did you write these articles ?

A. Yes.

Q. What did you mean by saying in one

of these articles :

[illegible]

- A. What I said here was based on the speeches of the Chief Minister that the Mirzais were religiously a different community from the Mussalmans.
- Q. Did you when you saw the Chief Minister on 29th September, tell him the result of your interview with the Prime Minister on 13th and 16th August, 1952 ?
- A. No, nor did the Chief Minister make any inquiry about it.
- The requests for interview with the Prime Minister of Pakistan were made by us.
- Q. Did the Director of Public Relations purchase from you any of your writings ?
- A. Yes. He purchased "Islam aur masahi islahat" at the end of 1952 for a sum of Rs. 1,000/-.
- Q. Did you receive any sum from the Director of Public Relations in August 1952 ?

4. Yes. I received a sum of Rs. 300/- for certain articles contributed by me in the Zamindar. These writings related to Agrarian Reforms.

Q. Did you prepare the list of Ahmadi Government servants and submit it to the Prime Minister of Pakistan as suggested by him ?

A. The Secretary of the Majlis-i-Azad should have prepared such a list.

Q. Do you know the fourteen points formulated by the Quaid-i-Azam in regard to the future constitution of the country before the Partition ?

A. Yes, but these points were not accepted by the Congress.

Q. Was the Quaid-i-Azam prepared to accept the Grouping system which was detailed by the Cabinet Mission ?

A. Yes. This was in 1946. This proposal also was rejected by the Congress.

Q. Can you point out to any one of the religious organizations which were represented at the All Muslim Parties Convention, either at Lahore or Karachi, which might have opposed the Grouping System or the fourteen points adumbrated by the Quaid-i-Azam.

a. I do not know.

To Mr. Bashir Ahmad on behalf of Sadr Anjuman-i-Ahmadiyya
Rabwah :-

Q. Did the Muslim League accept the plan of the Cabinet Mission in regard to a constitution for an undivided country for a period of ten years, as an experimental measure ?

a. Yes. The Muslim League was then willing to consider and accept such proposals because there appeared to be no alternative on account of the attitude of the British.

Mr. Zafarullah's book in which he praises Mirza Bashir-ud-Din Mahmud Ahmad was published in 1944.

Q. Did you attend the session of All India Muslim League held at Lahore in 1944 ?

a. No such session was held in 1944 in Lahore.

Q. Was there any session of the All India Muslim League Council ?

a. No.

Q. I put it to you that a session of that Council, as in fact held in Lahore on the 30th of July, 1944 and that a resolution sponsored by Maulana Abdul Haamid Badayuni to the effect that the Ahmadis be declared ineligible for membership of the

League because of their religion was turned down by the Council in that meeting which was presided over by the Quaid-i-Azam ?

A. It may be so but I have no recollection of it.

The Quaid-i-Azam was the accredited representative of all the Muslims of India before the Partition.

Q. Was there a joint declaration by the Quaid-i-Azam and Mr. Nehru before the Partition to the effect that the religious minorities inhabiting each divided territory would be given the fullest protection and would share all civic and political rights with the majority.

A. I do not remember any such declaration.

Cross-examination by Mr. Yaqub Ali Khan on behalf of Mr. Daultana :-

We saw the Chief Minister of the Punjab only once, and it was on 29th September, 1952. If other witnesses have given the date as 29th August they must be wrong. The Chief Minister said that he would look into our grievances. As regards Babwah, he asked us as to what should be done. We said that we were not in possession of the deed of conveyance by which Babwah was reserved for the Ahmadiyya community. He said that he would send

for the document and call us again. He, however, never called us again. He did not at all say that the movement was to be continued and that it was to be directed against Karachi.

Q. Did the Majlis-i-Amal celebrate any Khatm-i-Nabuwat week in 1952 ?

A. No. I saw an advertisement in the "Zamindar" that a Khatm-i-Nabuwat week was to be celebrated and that further inquiries about it should be made from Sho'ba-i-Islamiyyat of the Punjab Government. This announcement was contradicted by the "Zamindar" two or three days later.

Nobody from among the members of the deputation of the Majlis-i-Amal, who waited on the Chief Minister subsequently, however, mentioned to me that the Chief Minister was advising that the movement should be pressed against Karachi. When the Prime Minister of Pakistan came to Lahore on 16th February, he asked some of us to come down to Karachi to discuss the situation with him.

The Quaid-i-Azam issued a statement regarding the Group System proposed by the Cabinet Mission, saying that he saw the seed of Pakistan in those proposals. Neither the Quaid-i-Azam nor the Muslim League changed their idea of Pakistan after the passing of the resolution

of 1940 right up to 14th August, 1947.

Cross-examination by Mr. Said Malik, Ameer-i-Jamaat-i-Islami :-

The ideology that brought Pakistan into existence was that Muslims and Hindus had different outlooks on life.

Q. Do you know that the Quaid-i-Azam publicly said that the details of the constitution of Pakistan were to be settled by the people of Pakistan when it came into existence ?

A. Yes.

R.O. & A.O.

Sd. M. Munir.

PRESIDENT.

Sd. M. B. Kayani.

MEMBER.

7th October 1953.

Witness No. 44 (Called by Majlis-i-Amal)

Hafiz Khedim Hussain, District Jail, Multan,

on 8.4.-

I was one of those who met the Prime Minister of Pakistan in Lahore on 16th February 1953. I was not nominated by the Majlis-i-Amal, but merely accompanied Maulana Abdul Hasanat Muhammed Ahmed. The interview had been arranged by Maulana Akbar Ali Khan. We asked him to give his decisions on the demands which had earlier been presented to him in Karachi by the representatives of the Central Majlis-i-Amal. There was a long continued talk between him and the members of the deputation. He said that, keeping in view the canal dispute between India and Pakistan, scarcity of foodgrains in the country and the Kashmir dispute, it was impossible to remove Chaudhri Muhammad Zafarullah Khan. He also said that we did not know or understand his difficulties and that he was not finding it possible to accede to the demands. We then said that if he could not do without Chaudhri Muhammad Zafarullah Khan he should consider the demand relating to the declaration of the Ahmadis as a minority. He asked us whether, if that demand were conceded, we would give up our demand in respect of Chaudhri Muhammad

Zafarullah Khan. We said we could not give up anyone of our demands because the whole trouble had originated with the speech of Ch. Muhammad Zafarullah Khan in Karachi in May 1952.

Cross-examination by Mr. Fazal Ilahi, Advocate,
on behalf of the Punjab Government :

From November 1952 up to February 1953 I was one of the lecturers employed by the Islamiat Department of the Punjab Government. I only received Rs. 515/- and, by reason of being in prison, am paying it ten times over. In all I gave ten lectures.

To Court :

I never lectured on Khatm-i-Nabuwat. We used to submit the theses of our lectures in advance to the Punjab Government and these were approved before they were delivered.

To Mr. Fazal Ilahi, Contd.-

The department still owes me a sum of Rs. 195/-.

Q. Did you attend the public meeting which was held outside Mochi Gate on 1st February, 1953 and in which Master Taj-ul-Din explained the result of his interview with the Prime Minister in Karachi, and the future programme of the Majlis-i-Amal ?

A. Yes.

Q. In the course of his speech, did Master Taj-ul-

Din say as follows :-

”ماسٹر تاج الدین انصاری نے اپنی علامتیں دہرا کرتے ہوئے کہا کہ ہم نے کراچی میں جو آخری قرارداد الٹی میٹم کی صورت میں منظور کی ہے۔ اس کا تعلق صوبوں کی حکومتوں سے نہیں ہوگا۔ بلکہ اس قرارداد کا ہمراہ راست تعلق مرکزی حکومت سے ہے۔ اس کے بعد یہ ہے کہ قرارداد کی روح کا رشتہ خواجہ ناظم الدین کے ساتھ ہے۔ اگر ۲۲ موری تک ٹھہرائے گا تو بہت تہدہ سے آگے نہ بڑھایا۔ یہ ہم ۲۳ فروری کو مباحثہ کرینگے۔ کہ خواجہ ناظم الدین وزارت کے لیے چھوڑ دیں۔“

A. Yes.- He did make this speech.

Q. Did you "in your peculiar way" say in that meeting :-

”ان وزارت کے عہدہ مولانا محمد شمس الدین صاحب نے ان کا نام لیا اور مولانا حافظ خاں صاحب نے مولانا عبدالمعین نے اپنی مجلسوں میں ان کے حلیوں کا لکھنا کو اسباب کہا کہ وہ صورت حال کو بگڑنے سے بچائے۔ مسلم لیگ کو اس سے نہ بگڑنے دیا۔ اگر ایک بار یہ لڑاؤ بھڑک گیا تو اس سے ہماری شکل بگڑ جائیگا۔ ان علماء نے مطالبہ کیا کہ حکومت اس سے بچے اور اس کے لیے اس کی وزارتیں کرسی سے علیحدہ کر دیا جائے۔“

A. I did not use the word "laya".

To Court :

Q. What are you doing ?

A. I am an export and import agent.

Previously, for about 20 or 25 years, I was a Munshi of Mr. Ram Lal Anand, and advocate of this Court. I gave up that profession in 1947.

Q. Did you say anything about the consequences that would follow if the demands were not conceded ?

A. As far as I remember, I did not say anything on the subject.

Q. Do you claim to be an Alim ?

A. No.

Q. Were you a member of the Majlis-i-Amal ?

A. No.

Q. Did you have anything to do with the movement ?

A. I have sympathy with the movement and I did take some part in it.

To Mr. Fazal Ilahi, contd.-

Q. Were you the president of the Majlis-i-Amal for the Lahore District ?

A. No. There was no such Majlis.

I had read the report of the speech that is being attributed to me, but I never considered it necessary to contradict it.

I worked as a Nazim in the Jami'a-ul-Ulema-i-Pakistan in an honorary capacity. Maulana Muhammad Bakhsa Muslim is not a lawyer, though he acted as the legal adviser of the Jami'at. He was on good terms with Mr. Daultana and often used to see him. He worked for the League during the elections and was publicly disgraced for that.

(NOTE : The witness makes it clear that both Maulana Muslim and he worked for Mr. Daultana in his constituency.)

I met the Chief Minister on 20th February, 1953.

With me were Maulana Muhammad Bakhsa Muslim, Soofi Ghulam Muhammad Tarannam and Sayyed Muzaffar Ali Shamsi. We went there because the ultimatum that had been given in Karachi was about to expire and Maulana Abul Hasnat was anxious to see the Chief Minister in that connection. He did not then say that the demands were to be pressed only against Karachi but not against the Punjab. On the contrary what he said was that the demands related to the Central

sphere and should be pressed there. We said that if that was the position, he should come out and preside over our public meeting. He said "as you know Khawaja Sahib is already - - - -". He then made a gesture which I took to mean that Khawaja Nazim-ud-Din was already displeased with him. We said that other members of the Muslim League were taking part in such meetings. He said it was their own concern and that he could not stop them.

The question of sending volunteers to Karachi also came under discussion in that interview. I asked him whether in case the volunteers started going to Karachi, he would stop them. He said that so long as we remained peaceful, he would not arrest the volunteers even if we held a meeting right in front of the Secretariat.

I was present during the proceedings of the Convention and the conference of the Central Majlis-i-Amal held in Karachi from 16th to 18th January, 1953. These dates were fixed in a meeting held by the Majlis-i-Amal in the office of the "Zamindar". That meeting was attended by Maulana Aftab-ur-Rahman and a representative of the Jama'at-i-Islami, Nasserullah

Khan Aziz. Maulana Abdul Haamid Badayuni, Maulana Daud Ghaznavi and Master Taj-ul-Din Ansari also attended that meeting. The meeting had been convened by Maulana Ihtisham-ul-Haq. Subsequently invitations for the convention in Karachi were issued by Maulana Ihtisham-ul-Haq. I was one of the recipients of an invitation to the convention. The meeting was held at the house of Haji Maula Bakhsh, M.L.A. at Karachi. Maulana Abul Ala Maududi took an active part in all these deliberations. Neither Maulana Ihtisham-ul-Haq nor Maulana Abul Ala Maududi opposed the resolution relating to direct action. On our return Maulana Akhtar Ali Khan started writing about the movement in his paper almost daily. He gave a prominent place to the news and each time showed the number of days that yet remained in the ultimatum to expire. When Khawaja Nazim-ul-Din came to Lahore on 16th February, a formal resolution of boycott and strike was passed in my presence in a meeting held in the office of the "Zamindar". That day a public meeting had been organised in which appeal for funds was made and some money was collected. The amount was Rs. 3,100/- odd. One of the men

acting as the agent of Maulana Akhtar Ali Khan (he himself being scrupulously absent) seemed to be anxious to have this money removed to the office of the "Zamindar". Accordingly the money was taken to that office and handed over to Maulana Akhtar Ali Khan. Already a good deal of money had been collected by the sale of Qurbani skins and one rupee Khatm-i-Nabuwwat "notes". The entire amount collected came to several thousand rupees. It may have been about Rs. 20,000/-. Speeches in support of the movement were made both on the 15th and the 16th February, the latter date have been observed as a day of strike. A Telephone message was received from Maulana Akhtar Ali Khan asking me to meet him on the 23rd. On an invitation by the Prime Minister, Maulana Abul Hasnat and other leaders of the movement had already left for Karachi. The only prominent leaders of the movements left in Lahore were Maulana Abul Ala Maududi, Maulana Daud Ghaznavi and Maulana Akhtar Ali Khan. On the following day I went to Maulana Akhtar Ali Khan being accompanied by Maulana Abul Hasnat's son and another person Meraf Din. As it

had become necessary to show some activity because frequent messages were being received from the mofassil inquiring how the movement was proceeding, Maulana Akhtar Ali Khan proposed that a batch of four or five volunteers should at once be despatched to Karachi. Accordingly it was announced that batch of volunteers would march from Masjid Wazir Khan on the 23rd February. Maulana Akhtar Ali Khan came to the Wazir Khan Mosque on the 23rd February and made a public speech, the other speaker being Sahibzada Faiz-ul-Hasan. A batch of five volunteers then came out and was taken in procession to the Railway Station. This batch succeeded in reaching Karachi where it was arrested. A sum of Rs.125/- was paid by Maulana Akhtar Ali Khan as railway fare to the volunteers.

Nothing happened on 24th, 25th or 26th, In those days I had gone out of station. 27th was a Friday and I was in Masjid Wazir Khan when at the time of Shutba we hearded that our leaders had been arrested in Karachi that very morning. Meraj Din, the Salar of the Ahrar, wrote to me a ruqqa asking me to come outside Delhi Gate after the Friday prayers to meet Maulana Akhtar Ali Khan. I accordingly went there. There

Maulana Akhtar Ali Khan told me that the leaders had been arrested in Karachi and that he had thereupon to assume the role of a dictator of the movement. He also announced that another batch of 100 volunteers was to leave for Karachi that very evening. I said that despatching of 100 volunteers would involve a good deal of expenditure by way of railway fare. Thereupon it was decided to restrict the number of volunteers to twenty-five. I asked him for the railway fare but he produced a letter from the General Manager of the Railway to the effect that the matter of running a special train between Lahore and Karachi was under consideration, and suggested that pending this volunteers should entrain without purchasing any railway tickets for them. I said this was a wicked proposal in view of the nobility of the movement we were running and also told him that if his suggestion was adopted, the volunteers would be arrested and convicted by Ch. Qadir Bakhsh and the whole movement in that way would be brought to disrepute. He replied that he was a dictator and had to be obeyed. Accordingly we came to the Delhi Gate and Meraf Din Salar announced that a batch of 25 volunteers was to leave in the evening for Karachi and that Maulana Ahmad Ali would make a public speech before they

were taken to the railway station. I went to the office of the Majlis-i-Ahrar where I met Haji Muhammad Tufail, Maulana Ahmad Ali and others and mentioned to them what Maulana Akhtar Ali intended to do. They all said that it was very bad to send the volunteers without any tickets from Lahore to Karachi and that the Maulana should be required to produce the money which he had earlier taken away. As Maulana Daud Chaznavi and Maulana Abul Ala Maududi were in Lahore, we decided to consult them. Accordingly, Khalil Ahmad, Haji Muhammad Tufail and myself took a taxi and went to Maulana Daud Chaznavi. Reaching his house we came to know that he had already left for Lyallpur. We, therefore, went to the residence of Maulana Abul Ala Maududi. We said our Maghrib Prayers there and mentioned the situation to him. He did not tell him that Maulana Akhtar Ali Khan intended to despatch the volunteers without any railway fare. We had merely told him that it was intended to despatch the volunteers. He said that there had not been sufficient propaganda in ~~He said that there had not been sufficient propaganda in~~ favour of the movement but since it had actually been started, it had to go on and that the volunteers should be sent. He said that he had a different opinion about the means to be adopted, but when I asked him if that was so why he had not expressed that view at the meetings

of the convention and the Majlis-i-Aral in Karachi, the Maulana replied that what had happened, that a meeting was intended to be held on the following day and that he had sent a telegram to Maulana Daud Ghaznavi asking him to come and attend the meeting. He said that Maulana Ahmad Ali also had been requested to attend. He further said that Maulana Daud Ghaznavi represented the Ahl-i-Hadis, Maulana Ahmad Ali the Jamiat-ul-Ulema-i-Islam and the Maulana himself the Jama'at-Islami and that these three would support the movement from outside by writing in favour of the movement while the other arrangements, e.g., the collection of volunteers and sending them to Karachi were to be made by us. I asked him if I could come to him on the following day for further instructions but he said that I could telephone to him. From there we came to Maulana Akhtar Ali Khan. We told him that the responsible leaders of the movement were against the sending of Razakars to Karachi without paying their railway fare. He said that he himself was the judge of it and that the volunteers should be despatched as instructed by him. The Maulana said that he had no money. Upon this I looked for some money on my own person and found a sum of Rs. 130/-, Khalil Ahmad said he had no money on his person but that there might be a sum of Rs. 200/- at his

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house. Maulana Akhtar Ali Khan said this sum of Rs. 330/- was quite sufficient for the purpose and that no further expenditure regarding the railway fare of the volunteers need be incurred. Just at that moment the telephone rang and Maulana Akhtar Ali Khan picked up the receiver to receive the call. It appeared from his manner that he was being talked to by some very high official. The Maulana replied to the call that he was issuing instructions for stopping the volunteers, and, addressing us, he said that we should at once stop the volunteers. We said it was 5-30 P.M. and the procession had to leave the Delhi Gate at 6 O' clock and that it was too late. The person who was speaking to the Maulana over the telephone appeared to express his strong displeasure over what had been done and the Maulana, in turn, began to be indignant to us. The Maulana appeared to be very much nervous and was in a state of tremor. After saying that he was going to stop the volunteers, the Maulana put down the receiver. Just then a visitor's card was brought. The visitor was called in and he turned out to be Hurmat Beg, Private Secretary to Mr. Daultana, the Chief Minister. Seeing the visitor, the Maulana became more indignant and turned us out. When we came out, we

found the Maulana's manager or editor standing.

He told us that there was no use in quarrelling with the Maulana because there had already been some agreement between the Maulana and the Government.

(Examination of the witness will continue tomorrow.)

Sd. M. MUKIA.

PRESIDENT.

Sd. M.A.KAVANI.

MEMBER.

7th October, 1953.

8th October 1953.

30th sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President.
Hon'ble Mr. Justice M.H. Kayani,	Member.

Mr. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Bashir Ahmad, Advocate, assisted by Messrs. Abdur Rahman Khadim, Asadullah Khan and Ghulam Murtaza Khan, Advocates, for Sadr Anjuman Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. H. S. Suhrawardy for the Majlis-i-Amal.

Mr. Yaqub Ali Khan, Advocate, assisted by Raja Said Akbar, Advocate, for Mian Muntez Muhammad Khan Daultana.

Witness No. 44 (Called by Majlis-i-Amal)

Statement of Hafiz Khadim Fusain, District, Jail, Multan, on S.A. (continued) :-

I asked the Manager or editor of the "Zamindar" what the agreement between the Maulana and Government was. He said that Mr. Chatha, Revenue Minister, the Chief Secretary - the name mentioned as far as I remember was Hafiz Abdul Majid - and Mr. Anwar Ali had gone to Karachi

and had returned from there with written instructions and held a press conference at the Secretariat to which the Maulana had been invited. He further added that the Maulana had been asked either to sever his connections with the Majlis-i-Ahwal or his newspaper would be banned and he himself sent to jail. On this, the manager added, that the Maulana had agreed to dissociate himself with the Majlis-i-Ahwal. I heaved a cold sigh over it and returned. We then went to the house of Maulana Abul Fasanat. There we met Maulana Muhammad Bakhsh Muslim, Maulana Ghulam Muhammad Tarannum, Maulana Ghulam Din and two or three other persons. I mentioned the whole incident to them. We told them that those leaders, who had initiated the movement, were betraying us. We continued talking till 11-30 p.m. and parted after Maulana Muhammad Bakhsh Muslim had remarked that, if we were not arrested, like the leaders in Karachi, on the next morning, we would consider ourselves safe. At Karachi I noticed that while during the day Maulana Abul Ala Maudoodi and Maulana Entisham-ul-Haq were taking part in the deliberations of the Convention, during the night they were meeting the Prime Minister. At the same time, a committee of 31 Ulama had been appointed for considering the proposals

of the Basic Principles Committee which had recommended the constitution of a Board of five Ulama, and Maulana Abul Ala Maudoodi and Maulana Ehtisham-ul-Haq both expected that they would be taken as members of that board. The Jamia't-ul-Ulama-i-Pakistan was against the constitution of such board, and had submitted a dissenting note on the subject. Maulana Maudoodi and Maulana Ehtisham-ul-Haq, however, were supporting that recommendation and were persuading us not to oppose that proposal.

I have been the President of the Primary Muslim League of Mozang. I joined the anti-Ahmadiyya movement because it had the support of the Muslim League. I ceased to be the President of the Primary Muslim League sometime before partition, but I continued to be a member of that League. I attended a public meeting which was held at Nisbat Road on 16th February, 1953. This meeting was held after we had seen the Prime Minister. While that meeting was in progress, some bricks were thrown from the houses of certain Ahmadis. This caused great provocation at the meeting, but we appealed to the audience to remain peaceful and not to retaliate. I do not know the name of the Ahmadi from whose house the bricks were thrown. The despatching of five volunteers to Karachi on 23rd

February was merely an experimental measure, the object being to see whether the appeal issued by us to the people to remain calm was effective. The five volunteers were accompanied by a crowd to the railway station.

Q. What would you have done on the 23rd February, if an order under section 144 of the Code of Criminal Procedure, banning assemblies of five or more persons in public, had been promulgated?

A. We would not have sent any volunteers at all or permitted any people to assemble in public.

In my opinion, there would have been no disorder whatsoever if the District Magistrate, Lahore, had promulgated orders under section 144.

Q. Do you know the word "Balagh"?

A. Yes. To deliver something, for instance, a message.

(NOTE:- At this stage the Court notices that the witness has got a school exercise book containing some writing.)

Q. Have you been giving evidence after referring to this exercise book?

A. Yes. I jotted down some notes last night.

Q. Were you also giving evidence yesterday by reference to the same writing?

A. Yes.

Q. When did you take down notes for yesterday's evidence ?

A. This was long ago when I was in jail, but I did not use them yesterday, except once when I was questioned about the meetings of Islamiat attended and the money paid.

To Mr. Fazl-i-Ishki, member of the Council of the Government :-

When I went to Delhi Gate I saw outside it a camp where volunteers had collected. They had offered their services for being sent to Karachi. If sufficient money to provide railway fare for the volunteers had been forthcoming, lakhs of volunteers would have marched to Karachi. Probably on 20th February a telephone message was received by Maulana Abul Hasanat from Maulana Abdul Haamid Badayuni from Karachi that the Prime Minister appeared to have softened down and that the former should come down to Karachi. It was in consequence of the receipt of this message that the deputation of the Majlis-i-Amal left for Karachi. When the deputation met the Prime Minister at Lahore there was some discussion as to whether the Lahori sect of the Ahmadis could or could not be considered Mussalmans. The position taken

up by the Prime Minister was that they were Mussalmans, while Maulana Abul Hasanat was of the opinion that they also were outside the pale of Islam. I had then suggested that if the Prime Minister was not agreeing with the view of Maulana Abul Hasanat the latter could come down to Karachi to convince him, but the Prime Minister said that if it pleased Maulana Abul Hasanat he could come down to Karachi. He, however, advised us not to carry on this propaganda in press. I heard from Maulana Akhtar Ali Khan that Sanibzade Mirza-ul-Hasan was to be the first dictator of the movement in the Punjab.

Meraaj Din was a Salar of the Anjuran Rizakars in the Province.

To Mr. Bashir Ahmad, Advocate, on behalf of Sadr Anjuran Ahmadiyya Habwah :-

Our interview with the Prime Minister on 16th February in Lahore was disappointing. I now remember that the incident of bricks having been thrown from the house of an Ahmadi on the audience of the public meeting that was being held at Nisbet Road was mentioned to the Prime Minister. This incident must, therefore, have occurred not after our interview with the Prime Minister but earlier, either on the 14th or 15th February. The audience at the meeting held on Nisbet Road numbered thousands. One of

the speakers at that meeting was Maulana Muhammad Ali Jullundhri.

Q. Please recollect and say whether the Jullundhri did or did not say at that meeting that either the Ahmadis or the other Muslims would stay in Pakistan?

A. He might have said so, but I do not recollect it. He spoke for full three hours and the entire speech was directed against the Ahmadis.

The incident of throwing bricks at the meeting held at Nisbet Road was reported to the police. Some days later, I read in the "Alfazi" that the person, who had indulged in throwing bricks, was a lunatic, who had been discharged from the Mental Hospital only a few days earlier.

To Mr. Yaqub Ali Khan, advocate, for Mr. Daultana :-

The lectures that I delivered under instruction from the department of Islamiyat were delivered in schools and other institutions. The fact of these lectures having been delivered was to be certified by the head of the relevant institution and it was on the strength of these certificates that payments were to be made. The lectures that we were directed to deliver were not intended to propagate our views against the Ahmadis. As far as I remember, Master Taj-ud-Din Ansari did say in the meeting

held at Mochi Gate that, if the demands were not conceded by 23rd February, Khawaja Nazim-ud-Din should resign from Premiership.

Q. If the Muslim League had issued a direction instructing members of the Muslim League not to take any part in the anti-Ahmadiyya movement, would you still have joined it ?

A. In that case, I would have seen whether the direction issued by the Muslim League was against my religion.

The three demands were, according to me, entirely based on religion and they had my full support. If these demands did not have the approval of the Muslim League, I would have left the League.

Q. Are you aware of the terms of the resolution that was passed by the Council of the Provincial Muslim League in its meeting held on 26th and 27th July 1952 ?

A. No.

Q. Did the circular, dated 1st April 1952 (Appendix I to the written statement of Mr. Daultana) issued by the President of the Provincial Muslim League

to the effect that it was absolutely necessary "that members of the Muslim League do not take part in any activity which is likely to create hostility or ill-feeling between citizens of Pakistan or to revile and condemn particular sections or groups of the citizens of Pakistan", come to your notice ?

A. No.

Q. You have stated that if the District Magistrate of Lahore had promulgated an order under section 144, Cr. P. C., banning assembly of five or more persons in public places, there would have been no disturbances and the anti-ahmadiyya agitation would have stopped. If that is so, what did the Majlis-i-Ahwal mean by presenting an ultimatum to the Prime Minister of Pakistan that if the demands were not acceded to, East Aqdam will have to be resorted to ? If 'East Aqdam', whatever it meant, had been banned by an order under section 144, Cr. P. C., would you have given up 'East Aqdam' ?

A. Most certainly.

From very inception the intention of the Majlis-

1-amal was not to disobey the law, and if any order preventing the prosecution of East Adam had been passed, we would have given up East Adam. The question of disobedience was directly discussed in the meeting held at the house of Haji Maula Bakhsh in Karachi when it was apprehended that a public meeting to be held there might amount to a contravention of the orders passed under section 144 Cr. P.A. by the Commissioner of Karachi, and despite some dissenting opinion it was the general feeling of the house that civil disobedience was not to be adopted in any case.

Q. What is the true position ? Did you not when you brought of 'East Adam' understand what it meant or did you thoroughly understand the consequences of 'East Adam' and are now attempting to conceal its implications ?

A. Neither. What was decided was that some steps would be taken in the right direction but the nature of the steps was not thought of.

I was not in Pakistan from May to November, 1952.

I did not take any active part in the movement. I have already mentioned the part I actually played in it.

Q. Did you read in the newspapers what was

happening in the Punjab or Karachi in connection with the agitation over the Khatm-i-Kabuwat issue ?

A. Yes. I used to read an account of the movement in the newspapers and also used to receive oral accounts from Maulana Abul Hasnat when he came to Karachi and from certain other persons.

It was never intended to enforce the demands in any unconstitutional manner.

Q. Then what did you mean by first trying constitutional methods and eventually presenting an ultimatum to the Prime Minister ?

A. As Khawaja Nazim-ul-Din did not believe that the demands were unanimous demands of the entire body of Muslims, the threat of a general strike was held out in order to satisfy him that in fact the demands were the unanimous demands of the community. Even when we told Khawaja Nazim-ul-Din when we met him on 16th February in Lahore that there was a general and voluntary strike in the town, he did not believe it and insisted that the shopkeepers had been coerced into

closing their shops.

Q. Do you think that the Majlis-i-Amal would have in such a case withdrawn the movement which was to start for demonstrating the unanimity of the Muslim opinion in support of these views merely because a District Magistrate had promulgated an order prohibiting the sending of volunteers or the collecting of more than five persons at any place ?

A. It was not contemplated when the decision to resort to direct action was arrived at in the Convention held at Karachi that any processions would be arranged or that any volunteers would be sent to Karachi to demonstrate to Khawaja Nazim-ud-Din that the entire body of Muslims was in support of the movement.

To Court :-

Q. If the object of East Aqdam was to prove to Khawaja Nazim-ud-Din that the demands were the demands of the entire community of Mussalmans, did you intend to prove this by sending an unending series of volunteers for arrest, parading them in the streets before arrest,

holding public meetings and taking out processions ?

A. . No such thing was contemplated.

Q. Then how were you to satisfy Khawaja Nazim-ul-Din that the demands were in fact unanimous ?

A. I never thought of it. What the Majlis-i-Smai had in mind, I do not know.

(The witness volunteers) Originally the words proposed by Laster Taj-ul-Din were "direct action". This term, however, was objected to as being too strong, and it was decided to adopt the words "Rast uqdar".

When I returned from Karachi on 19th January, I did not go there again and was arrested in Lahore on the morning of 28th February, 1953. It was on 27th February for the first time that I came to know that volunteers had to be despatched to Karachi.

To Mr. Yaqub Ali Khan, on behalf of Mr. Daultana :-

Q. If that be so, then how did you happen to mention to Mr. Daultana in your interview with him on the 29th February that volunteers had to be sent to Karachi ?

A. The scheme of sending volunteers to Karachi was then in contemplation and I mentioned it merely as a possibility.

Neither Maulana Abul Hasanat nor Maulana Muzaffar Ali Shamsi had then told me that one of the schemes was to despatch volunteers to Karachi. They were both present at the interview with the Chief Minister but neither of them nor any one else present mentioned the possibility of volunteers being despatched to Karachi.

The speeches that I made in support of the candidature of Mr. Daultana were at the instance of Maulana Abul Hasanat and Maulana Muhammad Bakhsa Muslim. These speeches were delivered by me as a Muslim Leaguer. I also canvassed for other Muslim League candidates in other constituencies.

R.O. & A.O.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.R. KAYANI.

MEMBER.

8th October 1953.

Order.

It has been reported to us that the following

words :

ملّان کی کہانی ملّان کی زبانی ہائی کورٹ میں سنٹیے۔ ملّان

سیاسی اقتدار کا ہموکا ہے ۔

اسلامی حکومتوں کو ہمیشہ ملّان نے

تباہ کیا ۔ ملّان کو ہے نقاب ہائی کورٹ

میں دیکھنے ۔ ملّان کی حکومت ہے

خدا بچائے ۔

have been stencilled in thick size on walls in prominent

places of the town. The words are grossly disrespectful

ful to the several learned religious divines who, at

considerable personal inconvenience, have been

assisting us in the inquiry, and amount to contempt of

this Court. Acting under sub-section 1(a) of

section 5 of the Ordinance we direct the Senior

Superintendent of Police to have the matter investigated under his personal supervision and report to us the names of the authors of this mischief.

Sl. - M. MUNIR.

PRESIDENT. .

Sl. M.B. Khyani. .

MEMBER. .

9th October 1953.

10th October 1953.

32nd Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice.

President.

Mr. Fazal Ilahi, advocate, for the
Punjab Government.

Ch. Asadullah Khan, advocate, assisted
by Messrs Abdur Rahman Khadim and
Ghulam Murtaza Khan, Advocates, for
Sadar-Anjuman Ahmadiyya, Rawalpindi.

Mr. Yaqub Ali Khan, Advocate, assisted
by Raja Said Akbar, Advocate, for
Mian Mumtaz Muhammad Khan Daultana.

Mr. Nazhar Ali Azhar, Advocate, for
Majlis-i-Ahrar.

Mr. Said Malik, Ameer, Jama'at-i-Islami.

Witness No. 45 (Called by Ahrar)

Hidayat Ullah s/o Messrs Bhagwan Bazar,

Gowalmandi, Lahore, on S.A. - ✓

The date was 5th March and the time 11-30 a.m.
or 12-30 noon. I live in Gowalmandi in Bhagwan Bazar
and was taking my midday meal when I heard the sound
of firing. I looked through the window and saw a

crowd come running. I saw Abdul Karim, A.S.I.,
Gowalmandi, whom I knew before, firing at the crowd.
People were standing in the street near their houses
and I saw Abdul Karim fire at them. Abdul Aziz, a
shopkeeper, left his shop and ran towards my house.
He was shot by Abdul Karim. I shut my door but after a
little while came in the street, picked up the dead
body of Abdul Aziz which was lying in front of my
house, and took it to Mayo Hospital. (Again said)
Abdul Aziz was alive when I picked him up and he
died in the hospital.

To Court :

- Q. Was any entry made at the hospital ?
- A. I stayed out when Abdul Aziz was taken in the
hospital.. I do not know whether he was attended
to by any doctor or whether any entry relating
to this case was made in the hospital records.
Abdur Rauf went inside the hospital with Abdul
Aziz. There were other men also with him.

Cross-examination by Mr. Fazal Ilahi on behalf of
the Punjab Government :

I do not know where A.S.I. Abdul Karim lived,

nor whether his house was burnt by the mob.

Q. Did you make a statement to D.I.G. ?

A. Yes. I signed that statement.

Q. Did you state before the D.I.G. that you did not know Abdul Karim before ?

A. No.

Q. Was Abdul Karim alone or did he have some other policemen with him ?

A. He had several other policemen with him.

Q. Did the policemen have rifles ?

A. I did not see any.

Abdul Karim fired the shot which killed Abdul Aziz, from a rifle and not from a revolver or a pistol.

Q. How many times did Abdul Karim fire ?

A. He fired thrice.

Q. Did you also make a statement before the Military ?

A. Yes.

Q. Did you state there that you had not yourself seen Abdul Karim shooting Abdul Aziz but that the people there were saying so ?

A. No.

The shops were open when the incident in question took place.

Q. Was there any more firing near your house on that day ?

A. No.

Q. Is it not a fact that a large crowd raided the house of Abdul Karim and while they were attempting to loot it, the police arrived and fired at the crowd causing some casualties ?

A. No.

Cross-examination by other counsel :- Nil.

Re. xx. Nil.

H.O. & A.C.

Sd. M. MUNIR.
PRESIDENT.

10th October 1953.

Witness No. 46 (called by Ahrar)

Hussain Bakhsh s/o Nizam Din, Bhagwan

Bazar, Gawalmandi, Lahore, on 3.4.-

I was in my shop when I heard that A.S.I.

Abdul Karim was firing at people. I closed my

shop and got into my house. There is a Chowk at

a distance of ten karams from my house. Abdul

Karim with some policemen came to that Chowk.

He fired there three or four times. None was

killed.

After two minutes there was an outcry

that a balvai had been killed.

To Court:

Q. What was the name of that balvai ?

A. I do not know.

Q. Where was he lying ?

Q. In his own house.

Q. What did you do with him ?

A. We buried him.

Cross-examination : Nil.

R.O. & A.C.

Sd. M. MUNIA.

PRESIDENT.

10th October 1953.

Witness No. 47 (Called by Ahrar)

Malik Ghulam Nabi, M.L.A., on S.A.:-

Q. Do you know anything about the killing
of Abdul Aziz Halwai ?

A. I saw nothing but several people complained
to me on the evening of 5th March 1953 that
an A.S.I. of Gowalmandi had fired at people
near Ganda Engine in Gowalmandi and killed
two persons and wounded others. I asked
them to come to me on the following day.
They came to me on the morning of 6th and
I went to Police Station Charing Cross,
where the present Inspector-General of
Police, Mr. S.N. Alam, was present,
together with Mr. Ejaz Husain Shah, the
Deputy Commissioner. There were also two
Magistrates there. I brought to the notice

of the officers the incident which had been reported to me on the preceding day. The officers told me that they wanted the Gwalmandi area to be cleared of troublesome people and become law-observing.

I told Mr. Alam that, being a high police officer, he should transfer Abdul Karim from Gwalmandi area with a view to restoring confidence among the people.

He accepted the proposal and transferred the Assistant Sub-Inspector concerned to Police Lines. The Deputy Commissioner sent Col. Abdul Haye, Magistrate, with me to the spot to make an inquiry into the matter. Accordingly Col. Abdul Haye made an inquiry on the spot. He saw two persons who bore bullet injuries and also

. noticed some bullet marks in the street.

To Mr. Fazal Ilahi, on behalf of the Punjab

Government :-

Q. Did people also complain to you that a

mob had raided the house of A.S.I.

abdul Karim and that during the raid

the police also arrived and fired ?

A. Nobody mentioned this to me but later

on I heard that the A.S.I. had burnt

a window of his house, taken out his

goods and then alleged that his house

had been looted by the mob.

Q. Did you come to know that a relation of

the A.S.I., Muhammad Yaqub by name,

was living with him and that he was badly

injured with lataia ?

A. No.

Q. Did you also know that a Head Constable also was injured on that day with a gunshot near the Ganda Engine that a constable who was riding a cycle was attacked and his cycle broken ?

A. No.

Q. Did you make any statement at the subsequent inquiry held by the Police as well as by the Military ?

A. No.

On 6th morning I made a complaint of this incident to the people who had collected at the Government House.

R.O. & A.C.

Sd. M. MUNIA.
PRESIDENT.

10th October 1953.

WITNESS NO. 48 (Called by the Ahrar)

Ghulam Ahmad son of Ghulam Muhammad, Butt,

Bhagwan Bazar, Gawal Mandi, Lahore, on S.A.-

(Evidence of the witness is the same as

that of Hidayat Ullah Witness No. 45).

To Mr. Fazal Ilahi, on behalf of Punjab Government:-

I knew Abdul Karim before. He fired with a rifle.

Q. Did you state at the subsequent inquiry held by the Military that you did not know Abdul Karim and that you would not be able to indentify him ?

A. No.

Nobody fired except Abdul Karim that day in that locality.

Q. Was there any procession ?

A. When Abdul Karim fired, there was no mob

collected any where nor any disturbance of any kind nor any procession. He just fired at stray people who were standing in front of their houses.

The shops were open. The policemen who were accompanying Abdul Karim had no rifles with them.

To Court :-

We took Abdul aziz to the hospital where he died.

Q. Was he attended to by any doctor ?

A. I do not know.

I did not go inside the hospital and stayed out.

R.O. & J.C.

21. M. MUNIR.
PRESIDENT.

10th October 1953.

WITNESS NO. 49 (Called by the Ahrar) :-

Chiragh Din son of Faqiria, Arain, Bhagwan

Bazar, Gawal Mandi, Lahore, on 3.4 :-

I saw Abdul Karim come firing in the street.

The bazar at that time was empty. He was firing

at way-farers indiscriminately. Abdul Aziz Halwai

was wounded and was taken to the hospital.

Q. Did you go inside the hospital ?

A. I stayed out.

To Mr. Fazal Ilahi, on behalf of the Punjab

Government :-

Some of the shops in the street were open

while others were closed. None of the policemen

when Abdul Karim fired. He was firing with a
rifle.

R.O. & A.C.

10th October 1953.

Sd. M. MUNIR.

PRESIDENT.

WITNESS NO. 50. (Called by the Ahrar) :-

Abdur Hauf son of Abdul Rahman, Butt,

Bhagwan Bazar, Gawal Mandi, Lahore, on 8.4 :-

I saw some people running and shopkeepers in the street closing their shops. A few minutes later I saw Abdul Karim, A.S.I. with a few policemen with him fire with his rifle in Chowk Bhagwan Bazar. He fired thrice. The third shot hit Abdul Aziz Halwai. One of the shots hit the building of Amrit Dhara. We picked up Abdul Aziz and took him to the hospital. He was attended to by a doctor but I do not know his name. He died in the hospital.

Q. Did you give the particulars of Abdul Aziz to the doctor who examined him ?

A. Yes.

We brought the body of Abdul Aziz and buried him without post-mortem examination.

We complained of the incident to Malik Ghulam Nabi, M.L.A., on the following morning. Malik Ghulam Nabi had some talk about the incident over the telephone with an officer. Col. Abdul Haya came to the scene at about 9 o'clock on 6th March and made some inquiry.

To Mr. Fazal Ilahi, on behalf of Punjab Government:-

Abdul Wahid is my brother. I do not know whether there was any case against him for burning or looting the house of Abdul Karim. Abdul Wahid was arrested by the police on 10th March but released. Some of the shops were open while others were closed at the time of the firing.

Q. Was there any other firing at that place on that day ?

A. There was some firing in the main bazar which is at a distance of about 60 paces from Chowk Baagwan

Bazar. That firing had taken place only a few

minutes before the firing in question. I know

it as a fact that the house of Abdul Karim was not burnt

nor was any attempt made to loot it.

Abdul Karim lived in the upper storey of a build-

ing of which the lower storey was occupied by Muntaz

Javaid. It was Javaid's portion of the building that

was set on fire.

Q. Was Muntaz Javaid an Ahmadi ?

A. No.

Q. Did you make a statement to the D.I.G. ?

A. Yes.

Q. Did you in that statement say that the house of

Abdul Karim had been burnt about an hour before

the A.S.I. fired ?

A. I made no such statement.

Q. Do you know that in that bazar on that day a

head constable was injured with a gunshot ?

A. No. Nor do I know that a policeman while riding a bicycle was beaten there and his bicycle broken.

Re-examination by Mr. Mazhar Ali azhar on behalf of the

Majlis-i-Ahrar :-

My brother Abdul Wahid was not prosecuted for having set fire to Abdul Karim's house.

R.O. & A.C.

SI. M. MONIE.

PRESIDENT.

10th October 1953.

WITNESS NO. 51: (Called by the Ahrrar) :-

Master Abdul Majid son of Mian Ilahi Baksh,

Bhagwan Bazar, Gawal Mandi, Lahore, on S.A :-

I am a tailor. I saw A.S.I. Abdul Karim fire
with a rifle in Chowk Bhagwan Bazar and hit Abdul
Aziz Halwai.

To Mr. Fazal Ilahi on behalf of the Punjab Government :-

I did not hear the sound of any firing in the
main bazar on the day in question . I did not know
Abdul Karim previously nor could I identify him.

R.O. & A.C.

Sd. M. MNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 52 (Called by the Ahrar).

Mr. Abdul Haye, Magistrate, Lyallpur, on solemn affirmation :-

Q. Did you hold an inquiry into the alleged incident of firing by A.S.I. Abdul Karim in Chawk Bhagwan Bazar ?

A. I did not hold any inquiry, but was asked by the District Magistrate on 6th March, at about 9 a.m., to accompany Malik Ghulam Nabi, M.L.A., to Gawalmandi area. At the alleged scene of incident I saw two bullet marks on buildings. I was also taken to place where I found a person lying injured in a house. From there, I was taken to another place where I also found another injured man. Both these men had gunshot injuries. While I was there, a big crowd collected and started asking Malik Ghulam Nabi why he had not come to the scene earlier. They said that they expected arms from him but that he had come empty-handed, just to wipe off their tears. The crowd became threatening and began to manhandle Malik Ghulam Nabi. While I was in the thick of the crowd a man laid his hands on my shoulder and told me that he knew

that I was a magistrate and advised me to go away as it was not safe for me to stay there. He accordingly took me out of the crowd and landed me in the Mayo Hospital and from there on the Mall Road. I do not know that man. I then came back to the Civil Lines Police Station. While I was on the spot, some persons had mentioned to me that two men had died.

To Court:-

- Q. When you went there, was there any allegation that these men had been injured in the main bazar or at a place different from Chowk Bhagwan Bazar ?
- A. The two bullet-marks that I noticed were at a building in the main bazar. The other two bullet marks were somewhere in the interior.
- Q. Did you hear any allegation to the effect that these men had been injured in the firing in the main bazar ?
- A. I remember some one having told me that they were injured in the main bazar as well as in a small lane.
- Q. Was the story of the men having been injured while the mob was attempting to burn and loot the house of A.S.I. Abdul Karim narrated to you at that time?

7. No. But I was shown a certain house which belonged to an A.S.I.

Q. Was it burnt ?

A. I did not notice any marks of burning on that house.

Q. When were you transferred from Lahore ?

A. On 15th March.

Q. In due course ?

A. Yes.

Q. Were you present during the disturbances on any occasion when firing became necessary ?

A. No.

Q. Were you present at any occasion when a crowd had to be lathi-charged and dispersed ?

A. No.

Q. Were you on duty on 4th, 5th and 6th March and was there any firing ?

A. No firing seemed necessary either on the 4th, 5th or 6th March.

Q. Were there any instructions from the District Magistrate about the manner in which unlawful assemblies were to be dispersed ?

A. There were no definite instructions. When I was

called out on duty on 28th February, the instructions to me were that whenever I met a crowd I should use the minimum force and that, unless I was attacked or other violence used to me or the police party with me, I was not to fire. But no such occasion arose.

Q. Did you attend the meeting of magistrates held by the District Magistrate on 28th February ?

A. To my knowledge there was no such meeting.

Q. Was there any meeting of magistrates presided over by the District Magistrate ?

A. No.

Q. Please be sure about it ?

A. I am absolutely certain that there was no meeting of the magistrates, presided over by the District Magistrate since the beginning of the trouble right up to the 7th March. On the latter date a meeting was held. There was no actual planning as to the action that had to be taken in cases of emergency, which was decided upon in a general meeting of magistrates; nor were there any instructions on the subject issued by Government.

Q. Do you know if a roster of duty of magistrates was

circulated by the District Magistrate ?

A. There was no such roster.

Q. To your knowledge was the question of promulgating an order under section 144 ever discussed before 2nd March ?

A. No.

Q. Were you told by the District Magistrate that you could requisition military in case it became necessary ?

A. No.

Q. Was any scheme relating to the co-operation of the military and the police disclosed to you ?

A. No.

Q. Did the military people accompany you ?

A. Yes, on 3rd March.

Q. Why did you find it necessary to take the military with you ?

A. On 3rd March I was asked by the District Magistrate to accompany a military patrol on the Circular road. But nothing serious happened that day while I was patrolling with the military.

Q. Was the question of anyone going to Wazir Khan Mosque, where a large crowd had collected, ever discussed to your knowledge ?

A. No.

To Mr. Asadullah Khan on behalf of Sadr Anjuman Ahmadiya

Rabwah :-

- Q. Were you on duty at the public meeting held in connection with the "Yaum-i-Mitalibat" on 18th July 1962 outside Delhi Gate ?
- A. Yes.
- Q. Do you remember who were the prominent speakers at that meeting ?
- A. Ata Ullah Shah Bokhari, Sayyed Faiz-ul-Hasan of Alomhar, Allama Ala-ud-Din Siddiqi and Maulana Ahmad Ali among some other whose names I do not remember.
- Q. Was Allama Ala-ud-Din Siddiqi in those days attached to the department of Islamiat ?
- A. I have no personal knowledge of that.
- Q. Did, in the course of his speech, Maulana Ata Ullah Shah Bokhari say that it was a fact that the Ahrar were opposed to the creation of Pakistan and that now that it had come into existence they were accepting it as a person would accept a prostitute in his house ?
- A. Yes. I remember the words, because they were so vulgar. The words actually used by Maulana Ata Ullah Shah Bokhari were "zan-i-bazares".
- Q. Were the speeches provocative on the whole ?
- A. Maulana Ahmad Ali's speech was purely religious. But the other speakers, including Allama Ala-ud-Din Siddiqi were at times provocative.

Re-examination by Mr. Mazhar Ali Azhar, on behalf of Majlis-Ahrar :-

- Q. Did you make a written report of this to any higher authority ?
- A. No. There was no written report, but I mentioned the general tone of the speeches to Mr. S.S. Jafri, who was then the Deputy Commissioner.

H.O. & L.O.

10th October 1963.

Sd. H. NUNIB.
PRESIDENT.

WITNESS NO. 53 (Called by ahrar)

Hakim Muhammad Jamil s/o Ghulam Nabi, Chowk Sabzi Mandi, Railway Road, Lahore, on S.A.-

I live in Bashir Buildings in Chowk Gawalmandi. The place where I saw the incident I am going to mention is about 50/60 yards from my house. The time was 12 noon and the date 5th March. I was in the chowk near the shop of Siraj Din Halwai. I was called by Muhammad Hanif Halwai and went to his shop. There I saw Malik Khan Bahadur, Superintendent, Punjab Constabulary, A.S.I. Abdul Karim and some policemen come to the Chowk. Two seconds later I heard the report of firing. My brother Muhammad Habib was outside the shop. After the firing I came out and saw lying injured Nizam Din and my brother Muhammad Habib. They both had been injured by gunshot. I took both the injured persons to the hospital. They were laid down on beds outside Delhi Wari, while I was taken to contribute some blood for transfusion into my brother's body. My brother was successfully operated upon by Dr. Siddiqi. Nizam Din died at about 1 o'clock. My brother, however, died in the hospital on 7th March. I took my brother's body to my house, but owing to the declaration of Martial Law we did not succeed in taking him to the burial ground and on the way we had to deposit his body as amanat in the mosque of Mai Tado. I used to go for

fatiah to the place where my brother's body had been deposited. On 27th or 28th April I came to know that his body had been removed by the police and the military. Later, on 1st May, 1953, I was shown by Mangwan Police a place outside that police station where my brother's body was stated to have been buried. I had made a complaint of the removal of the body from Mai Iado's mosque to the 'B' Sector Commander and it was in consequence of his orders that the place where the body had been buried in the fields outside Police Station Mangwan, was shown to me.

Cross-examination by Mr. Fazal Ilahi, Advocate, on behalf of the Punjab Government :-

- Q. I put it to you that your brother was wounded near the Electric Traffic Signal close to the Y.M.C.A. ?
- A. It is wholly wrong.
- Q. Did anyone at the hospital question you as to how your brother had been wounded ?
- A. Nobody questioned me, but Dr. Siddiqi, I understand, did question some other people who had accompanied me, while I had gone to give blood for transfusion.

There were about twenty policemen with Malik Khan

Bahadur and Abdul Karim. The two police officers were carrying small arms while the other policemen had rifles. The two injured persons were wounded with bullets fired from rifles. The bullet that struck my brother had passed through Nizam Din. I am quite sure that my brother received a bullet from a rifle.

Cross-examination by other parties :- Nil.

Re-ex : Nil.

B.O. & A.C.

SI. M. MUNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 54 (Called by Ahrar)

Mehr Din s/o Gulab, Chamberlain Road, Gobind Ram Street, Lahore, on S.A :-

The place where Nizam Din and my brother Muhammad Habib were injured is about 100 yards from Chowk Gawal-mandi. The shot which hit them had come from the Chowk. I did not myself see the person who fired the shot but people were saying that Malik Khan Bahadur, L.S.I. Abdul Karim and some policemen who were with them, were firing.

(Note :- The rest of the story of this witness is the same as that of his brother Muhammad Jamil.)

Cross-examination : Nil.

B.O. & A.C.

SI. M. MUNIR.

10th October 1953.

PRESIDENT.

WITNESS NO. 55 (Called by Ahrar)

Siraj Din s/o Miraj Din, Milk-seller, Chowk
Gowalmandi, Lahore, on S.A.-

I was at my shop when Nizam Din and Muhammad
Habib were injured. Nizam Din was at a distance of
twenty yards and Muhammad Habib at a distance of fifty
yards from my shop. The shot that hit Nizam Din was fired
by Malik Khan Bahadur, Superintendent of Police, Punjab
Constabulary. The same bullet, after passing through
Nizam Din, struck Muhammad Habib. The weapon fired was
a rifle. Malik Khan Bahadur was about twenty yards
from Nizam Din when he fired. He was in the Chowk when
he fired. The injured persons were taken to the
hospital but Nizam Din expired before we reached the
hospital.

Cross-examination :- Nil.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 56 (Called by Ahrar)

Muhammad Hanif s/o Husain Bakhsa, 60 Chamberlain
Road, Lahore, on S.A.-

Nizam Din when hit was at a distance of two or
three paces from Muhammad Habib. I did not see the
person who had fired. There were some policemen in the
Chowk who fired. Nizam Din was buried in Miani Sahib
on the same day.

XXII.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

locality, but I know nothing about it. Previous to this there had been no firing.

Cross-examination by other parties :- Nil.

Re-xx. Nil.

R.O. & A.C.

Sd. K. MUNIB.

PRESIDENT.

10th October 1953.

WITNESS NO. 58. (Called by the Shrar) :

Taj-ul-Din son of Feroze-ul-Din, Main Bazar.

Gawal Mami, Lahore, on S.A :-

My shop is in the Main Bazar. I saw A.S.I.

Abdul Karim with a few policemen in a jeep. He had come from the side of the police station. Abdul Karim went into Tara Devi street and abused some people. From the main bazar Abdul Karim fired his rifle which hit Moodi who was in his shop. The place from where Abdul Karim fired was about 130 yards from the shop of Moodi.

To Mr. Fazal Ilahi on behalf of Punjab Government:-

Abdul Karim alighted from the jeep when he fired.

The other policemen continued sitting in the jeep. I cannot say whether the policemen belonged to the District Police or to the Punjab Constabulary. Abdul Karim just came in a jeep, fired and then returned to the police station. A little later there was firing in another

bazar in Kacna Nisbet Road at a distance of about a furlong from the main bazar.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 59 (Called by the Anwar) :

Ala-ud-Din son of Ghulam Mohammad, Main Bazar, Gawal Mandi, Lahore, on S.A :-

Moodi deceased was my brother. He was shot in my presence. We were both at our shop. The man who fired was A.S.I. Abdul Karim. He was near a Chakki. He was in a jeep but when he fired he came down. The remaining five or six policemen who were with him continued sitting in the jeep.

To Mr. Fazal Ilahi :- I submitted an application to the Chief Martial Law Administrator on 25th March. I did not state in that application that the shot which hit my brother had been fired by a policeman belonging to a force under the command of A.S.I. Abdul Karim.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 60. (Called by the Ahrar) :

Sardar Muhammad son of Amir Badshah, Jat, Main
Bazar Gawal Mandi, Lahore, on S.A :-

I was in my shop in main bazar. I saw A.S.I.
Abdul Karim level his rifle. I at once ran in and
immediately heard the report of a gunfire. After
about half an hour I came to know that Woodi had been
injured.

To Mr. Fazal Ilahi :- Abdul Karim had come from the
police station on foot to the place from where he
fired. He was alone when he fired.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

WITNESS NO. 61 (Called by the Ahrar) :

Maqbul Ahmad son of Haji Muhammad Yaqub, Grain,
Shopkeeper, Main Bazar, Gawal Mandi, Lahore, on S.A:-

I did not see the person who fired at Woodi. I
was in my shop and on hearing reports of gunfire went

in. Then somebody fired. When I came out I found that Moodi had been injured..

To Court :

Actually I did not see any policeman in the main bazar when Moodi was shot. As already stated, I had heard gunfire and had immediately gone inside my shop.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

10th October 1953.

ORDER.

To come up on 12th October 1953 for further
proceedings.

SI. M. MUNIR.

PRESIDENT.

10th October 1953.

12th October 1965.

33rd Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice K.R. Kayani, Member.

Mr. Fazal Ilahi, advocate, for the
Punjab Government.

Mr. Nazir Ahmad Khan, advocate, for Jama'at-
i-Islami.

Mr. Mazhar Ali Azhar, advocate, for Majlis-
i-Ahrar.

Mr. Asadullah Khan, advocate, assisted by
Messrs. Abdur Rahman Khadim and Ghulam
Murtaza Khan, advocates, for Sadr
Anjuman Ahmadiya Rabwah.

Mr. Yaqub Ali Khan, advocate, assisted by
Malik Abdul Aziz and Raja Said Akbar,
advocates, for Mian Mumtaz Muhammad Khan
Daultana.

Maulana Dawl Ghaznavi, Member, Majlis-i-Amal,
in person.

Malik Ata Muhammad Noon, P.S.P., D.I.G., Lahore,

on S.A.-

To Court :

Q. Did you hold any inquiry into some deaths on
8th May 1953 ?

A. I held on different dates an inquiry into the
death of Abdul Aziz only who was said to have been
shot by A.S.I. Abdul Karim.

Q. Please produce the papers relating to that
inquiry ?

A. I produce the papers relating to that inquiry,
Ex. D.E/58.

Q. What opinion did you arrive at ?

A. I was of the opinion that the allegations
against the A.S.I. were not proved.

Q. Will you say that they were false, or will
you say they were not proved ?

A. Not proved. .

Q. You are not prepared to say that they were false?

A. I was of the opinion that the allegations were
not proved.

Q. Have you stated your reasons for this view
in the report Ex.D.E/58 ?

A. Yes.

Q. Is it possible that the allegations were, in fact, true but there was no evidence in proof of them ?

A. Of course it is possible that the allegations might have been true and they remained unproved because there was not sufficient evidence in support of them. My own personal view is that the incident was most unlikely.

Q. Where were you during the disturbances ?

A. I was posted in Multan Range, as D.I.G.

Q. Did you receive any instructions from any higher authority directing you not to arrest volunteers who were proceeding to Karachi ?

A. It was a telephonic conversation with the Inspector-General, Mr. Anwar Ali.

Q. What was its date ?

A. I cannot fix the date because I kept no record of the conversation.

Q. What was the purport of the instructions ?

A. The instructions amounted to this : Under no circumstances were the volunteers to be allowed to come to Lahore, and if they tried they were

to be arrested or detained, but the volunteers going to Karachi were not to be arrested if they insisted on going there.

acting on these instructions I telephoned to all Superintendents of Police in my Range.

Q. Do you know if they kept a record of what you telephoned ?

A. I am not aware of that, but similar instructions are said to have been received by the Superintendent of Police, Montgomery, from the Assistant to the D.I.G. who has a record. The S.P., Montgomery, also has a record of the instructions.

Q. Who was the Assistant to D.I.G. ?

A. Malik Habib Ullah, Superintendent of Police.

Q. Did you inquire from the D.I.G. the reason for this distinction between the volunteers proceeding to Karachi and those going to Lahore ?

A. No.

Q. Did you ever apply your mind to this question in order to find an explanation for the distinction?

A. I did not apply my mind to it because it was

presumed that the instructions must have come from higher authorities and they had, therefore, to be carried out.

Q. But you could see what the object was ?

A. The object could be to save the Provincial Government of some worry because the disturbances were causing trouble and the Provincial Government proposed to cause a diversion.

Q. There is some suggestion somewhere in our papers that volunteers proceeding to Karachi were not stopped because the Majlis-i-Amal had a good deal of funds with them which could more rapidly and easily be exhausted if batches of volunteers proceeding to Karachi had to pay their fare ?

A. That is also possible.

To Mr. Fazal Ilahi, advocate, on behalf of the

Punjab Government :

Q. Do you remember if Mr. Lal, Deputy Commissioner, Muzaffargarh, contacted you on the phone to verify whether these instructions were correct ?

4. There were two Deputy Commissioners who took up this matter. One was Mr. Bashir Ahmad Tarar, Deputy Commissioner, Jhang. He appears to have rung up the Home Secretary and asked whether these instructions coming from the D.I.G., Multan Range, were to be complied with, and I think the Home Secretary told him that this was not correct and that the volunteers should not be allowed to go to Karachi either. The Deputy Commissioner and the S.P. then spoke to me over the telephone and told me that the Home Secretary had given different instructions. On this I rang up the Inspector-General again and said that there was some confusion in the instructions. He told me that fresh instructions regarding the matter were being issued.

To Court :

Q. Did you ask him what the fresh instructions were ?

A. No.

Q. What did you understand him to mean ?

A. I understood him to mean that there was probably some change in the policy and that the Home

Secretary's instructions were correct.

The other Deputy Commissioner was Mr. Masud from Muzaffargarh. He wanted to verify whether my instructions to the S.P. were correct and I replied in the affirmative. Subsequently, I think, fresh instructions were issued in writing but I am not positive.

My subsequent telephonic conversation with the Inspector-General of Police when he told me that fresh instructions were being issued, took place a day or two after I had received the original instructions asking me to stop by force any volunteers who might want to go to Karaohi.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,
on behalf of Mr. Daultana :

Q. Do you know whether the Inspector-General of Police kept any record of the instructions which he gave you on the telephone ?

A. I am not aware of that.

Q. Will you agree with me that the first instructions were received by you on the 2nd of March 1953 ?

A. I cannot recollect.

Q. Is it correct that by the 2nd of March the

situation in Lahore had assumed grave proportions and that volunteers were converging on it from all directions ?

A. As I was in Multan, I cannot say what the situation in Lahore was, but I did hear that the situation had become graver.

Q. Is it correct that a large number of volunteers from Multan Division were coming to Lahore ?

A. The number that was going to Lahore may be hundreds and not thousands.

I am not aware that the situation in Karachi had been restored to normal by the 2nd of March, 1953.

Q. Is it within your knowledge that on the 1st of March the Home Secretary issued written instructions that no volunteers were to be allowed to go to Lahore or Karachi ?

A. I do not remember, but if any such order was sent, it must be on the record.

Before receiving the first instructions on the telephone we were not allowing volunteers to go either to Lahore or to Karachi. It is likely that we were stopping them in pursuance of orders from higher authorities.

Q. I suggest to you that the instructions you received from Liaqat Ali Khan, I.G., were the following :

That under no circumstances were volunteers to be allowed to proceed to Lahore; that in the case of volunteers proceeding to Karachi, you had to use persuasive methods to cause them to desist from their object but that if you failed, you were not to arrest them. Is it correct ?

A. As far as I can remember that the I. G. told me was that force was not to be used in the case of the Karachi going volunteers. It could imply that persuasive methods might be used to prevent them from going there. I continued to act on the original instructions until the receipt of revised instructions from the Home Secretary. The I.G. of Police did not tell me that pending receipt of further instructions volunteers proceeding to Karachi had to be stopped. I did not maintain any record of the telephonic talk I had with the I.G. of Police on the second occasion either.

Q. Did any volunteers proceed to Karachi from Multan

on 2nd or 3rd March ?

A. I have no idea.

Q. Did you ever have a talk on this matter with Mian
Anwar Ali subsequently ?

A. No.

R.O. & A.O.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.R. KAYANI.

MEMBER.

12th October 1953.

WITNESS NO. CH. (Called by the Shrar)

Qazi Ahsan Ahmad, Khatib Shahi Jamia Masjid,

Shujahabad, on S.4 :-

(This witness was called in proof of a letter dated 20th February 1951 (ex.D.3. 59) by Mr. A.R.Dard, Secretary for Foreign Affairs, Ahmadiyya Community, which is said to have been circulated to important persons and organizations with a printed copy of the memorandum submitted by the Ahmadiyya Community before the Boundary Commission. The genuineness or the correctness of this letter is not denied by the Sair Anjuman-i-Ahmadiyya Rabwah.)

To Court :

I am the Khatib of the Shahi Jamia Masjid, Shujahabad. I originally belonged to the Shrar organization but resigned in January 1953. I was never connected with the Congress.

Q. Were you ever President of Shujahabad Congress

Committee ?

A. No.

Q. And the vice-President of District Congress

Committee ?

A. No.

In 1930 the Quran was desecrated in Kashmir by the Dogras. The Kashmiri Muslims in those days were the victims of Dogra atrocities and volunteers were sent into Kashmir from Sialkot, Jhelum and Rawalpindi to assist the Muslims.

Q. Who was the Salar of the first Jalsa ?

A. The first batch of volunteers marched into Kashmir under the leadership of Mr. Ghulam Muhammad.

Q. Did the Ahrar ever propagate the doctrine of Hakumat-i-Ilahia ?

A. Yes. That was in 1942.

Q. What did they mean by Hakumat-i-Ilahia ?

A. To ask for the enforcement of Islamic Law in whatever part of the world such introduction might be found possible.

The Ahrar left the Congress in 1931 because whereas the Congress was in favour of joint, the Ahrar insisted upon separate, electorates.

Q. What was your attitude towards the Muslim League from 1931 up to the Partition ?

A. During this period we were sometimes with the League; on other occasions we had differences with the League.

Q. Did the Ahrar ever believe in a common nationality

for undivided India ?

a. Yes. This continued to be the ideology of the Ahrar for some time.

Q. Do you think that in Pakistan there can be one nation consisting of different communities in the same way as the Ahrar required a united nation of Muslims and non-Muslims before the Partition ?

a. So far as the country is concerned, all communities irrespective of their religions will be one nation. I now follow the ideology of Allama Iqbal that a nation is brought into existence by a Prophet.

Q. Where do you find this ideology of Allama Iqbal ?

a. In his book written against Ahmadiyyat.

Q. The Court has been asking of the various Ulama, who have appeared before it and with whom the doctrine of Khاتم-i-Nabuwat is an article of faith, Allama Iqbal's reasons for the view that, for the further development of humanity, prophethood at some stage ceases. Can you enlighten the Court on those reasons because the demands of the general body of Mussalmans against the Ahmadiis are supposed to follow from this doctrine ?

a. According to his philosophy takmeel-i-din and

Khatm-i-Nabuwat are synonymous.

Q. Have you read the translation of Allama Iqbal's lectures on the re-construction of Religious Thought, particularly that portion in which he deals with the question that has just now been put to you ?

A. I have not read those lectures either in original or in translation.

I have read up to 4th Primary and do not know English.

Cross-examination by Mr. Abdul Rahman Khadim on

behalf of Sadr-ul-Munam Ahmadiya Bahawal :-

I made a speech in Bahawalpur in which I said that it was the duty of Government to preserve the doctrine of Khatm-i-Nabuwat and that, if the Government became indifferent in this matter, it would have to vacate.

Q. What is the meaning of Wahi in religion ?

A. The word has several meanings, one of the meanings being almost synonymous to instinct. But the ordinary meaning of Wahi is the appearing of Hazrat Jibreel with a message to the prophet to whom it is intended to be revealed.

Cross-examination by other parties : Nil.

B.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

12th October 1953.

Sd. M. B. KAYANI.

Proceedings adjourned till tomorrow. MEMBER.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, advocate, for the Punjab
Government.

Sh. Bashir Ahmad, advocate, assisted by Messrs
Ghulam Murtaza and Abdur Rahman Khadim,
advocates, for Sadr Anjuman Ahmadiya
Rabwah.

Mr. Mazhar Ali Mazhar, advocate, for Majlis-i-
Ahrar.

Mr. Yaqub Ali Khan, advocate, for Mr. Daultana.

Mr. Nazir Ahmad Khan, and Sh. Ghias Muhammad,
advocates, for Jama'at-i-Islami.

WITNESS No. 64. (Called by Jama'at-i-Islami)

Mr. Saïd Malik, amir-i-Jama'at-i-Islami, on

S.w :-

I am amir, Jama'at-i-Islami, Punjab. The
Jama'at Islami has a written constitution. This
constitution was framed by elected representatives of
the Jama'at.

Q. What are the aims and objects of the Jama'at ?

A. To establish a form of Government based on
Islamic principles through constitutional
means.

We believe in the attainment of our objects through gradual process of educating the masses and not by force. There are about 900 members of the Jama'at throughout Pakistan. We have branches throughout Pakistan. We have very strict rules for the admission of new members. The number of the members of the Jama'at is, therefore, very much limited. We enrol only such people who understand the principles of Islam and who, as far as possible, practice those principles. We have also a class of mutafiqin, who agree with the principles of the Jama'at but are not its members. A person, who wishes to be enrolled as a member of the Jama'at, has to reply to certain questions in the form, Ext. D.E./60, and to sign a declaration in the form, Ext. D.E./61. The form for the mutafiqin is Ext. D.E./62. The mutafiqin number 12,000/13,000. Besides, there are numerous sympathisers of the Jama'at. The membership of the Jama'at is open to all sects of Mussalamans and we draw no distinction whatsoever between the different sects. Ahmadis, according to us, are not Muslims and they are not, therefore, eligible as members.

The Jama'at receives no money from any foreign source. The accounts of the Jama'at were fully gone into by the police when its account-books were taken into

possession at the time of Maulana Abul Ala Maudoodi's arrest. Before his arrest Maulana Maudoodi was the elected Amir for the whole of Pakistan.

The Maulana has never been a member of the Congress or any other party. The Maulana from the very beginning has been against the conception of a state based on nationalism and he has written a lot of literature on this subject. I produce some of his writings on the subject.

Q. What were the activities of the Jama'at just before the establishment of Pakistan ?

A. We had no practical politics then and Maulana Maudoodi was studying in solitude. Of course, we were alive to our surroundings.

The Maulana has never given any Fatwa throughout his life and the Fatwa as to the Jihad of Kashmir is out of question.

To Court :

Q. When did you join this Jama'at ?

A. Three years ago.

(NOTE:- Questions relating to the activities of the Jama'at before the witness joined the Jama'a are disallowed.)

I was a member of the Majlis-i-Shura in July 1952.

Q. Was there a meeting of the Majlis-i-Shura from 5th

to 7th July 1952 ?

A. Yes.

Q. What was decided at that meeting ?

A. I produce an attested copy of the resolution (Ex. D.2.63) passed at that meeting.

The Jama'at formulated 8 points in regard to the future constitution of Pakistan. This was in May 1952. The Krip incident occurred on 19th July 1952. After that incident and foreseeing the consequences that the agitation against the Ahmadis might lead to, the Jama'at attempted to divert the agitation into constitutional channels. With that object we added the 9th point to our previous 8 points. We suggested that the Ahmadis be declared a minority and given representation in the legislature according to their numerical strength. Maulana Maudoodi issued a statement expounding this 9th point. This statement was published in the "Tasneem" of 5th August 1952 and a copy of it is Ex. D.2.64. After this statement we began obtaining written representations from the public and submitting them to the Central Government. The effect of this statement was that there were no disturbances or riots from August to December 1952. The B.P.C. report was published on 22nd December 1952. It had no reference to the Ahmadis. The agitation, therefore, started once

more.

Maulana Maudoodi went down to Karachi sometime in January 1953 and returned from there on 23rd or 24th January. The Maulana convened a conference called Majlis-i-Tahafuz-i-Akhlag-i-Isla. I produce enrolment forms for that Anjuman, Ex.D.S. 65.

Q. What is Nasarullah Khan Aziz in the Jama'at ?

A. He is a member of the Majlis-i-Shura.

To Court:

Q. How many members were enrolled for that anjuman ?

A. I do not know.

Examination-in-chief continued :-

Malik Nasarullah Khan Aziz wrote several times in his paper "The Tasneem" against corruption of public morals and in the beginning of March also protested against the manner in which the agitation was being conducted. I produce a copy of a letter written by Maulana Maudoodi to Maulana Sultan Ahmad, Amir-i-Jama'at-i-Islami, Sind and Karachi, Ex.D.S. 66 stating his view that the programme prepared by the Majlis-i-Amal in Karachi was unconstitutional and did not have his approval. Arrests were made in Karachi on 27th and in Lahore on the night of 27th/28th February 1953. No member of the Jama'at-i-Islami was then arrested. The Maulana was arrested a month later. I was defending Maulana Maududi

before the Military Court. The charge against him was that he excited hatred between the Ahmadis and the general body of Muslims by writing a pamphlet called 'Qadiani Masla'. This Masla was written about the 21st of February but was actually published on 5th March. No member of Majlis-i-Shura was arrested in connection with the disturbances. Two members of the Jama'at, namely Malik Ghulam Siddiq of Mianwali and Sayyed Ahmad Shah of Sargodha district, took part in the direct action movement in their respective districts and they were both struck off the list of members of the Jama'at. They were both informed of the decision, vide Ex. D.E./67.

To Court :

Q. Was there any resolution passed expelling these men from the Jama'at ?

A. The Ameer has full authority to expel any member.

To Counsel, contd.

The Majlis-i-Shura passed a resolution on 4th or 5th March and a copy of that resolution is Ex.D.E./68. This resolution was not taken down in the register and before it was incorporated in the formal records, the Secretary whose duty it was to write the proceedings, was arrested. He was arrested on the 27th or 28th March. A telegram was sent to Khawaja Nazim-ud-Din on 4th March

by Maulana Maudoodi, Maulana Daud Ghaznavi and Mufti Muhammad Hasan. A copy of that telegram is Ex.D.E./69.

There was a meeting of Majlis-i-Shura on 5th and they decided to send Khawaja Nazim-ul-Din a reminder. On 5th March an invitation was received by the Maulana asking him to come to the Government House. He returned from there after Maghrib prayer time. The Majlis-i-Shura was then in session and the Maulana reported that in his speech he had given a certain advice to Government. (What the witness described as Maulana Maudoodi's report, substantially accords with what the Maulana has said in his written statement). He also said that he had been asked to stay behind by the Governor and to prepare a draft of an appeal to be issued to the public, and a copy of which was to be submitted to the Centre. He added that such draft had been made by him and that it had been approved by the Governor. He also brought with him a copy of the final draft which was taken away by the police. Mian Tufail Muhammad, General Secretary of the Jama'at, issued a statement in the "Tasneem" of 4th March, Ex.D.E./70.

This was intended to clear some misconception which had been gathering round the activities of the Jama'at in those days. A similar statement had been issued in the

"Tasneem" of 5th March, Ex.D.A./71.

Q. Did any of the members of Majlis-i-Shura make any public speech in Lahore in connection with the direct action after 27th February ?

A. No.

Maulana Daud Ghaznavi appeared as a witness for the defence at the trial of Maulana Maudoodi before the Special Military Court. I was present at the trial and he made a statement which is completely contradictory to his written statement before this Court of Inquiry. Ex.D.A./72 is the statement that he made there.

During the disturbances we were engaged in Khidmat-i-Khalq from 4th March. We were attending to the wounded and sending our vehicles as mobile dispensaries for help.

Cross-examination by Mr. Fazal Ilahi on behalf of the

Punjab Government :

Q. Did Jama'at-i-Islami depute two members to the Majlis-i-Amal Punjab that was constituted in Lahore in July 1952 ?

A. Yes, Maulana Amin Ahsan Islahi and Malik Nasrullah Khan Aziz.

Subsequently, for Maulana Amin Ahsan Islahi Mian Tufail Muhammad acted as representative of the Jama'at in that Majlis.

Q. Was a meeting of the Majlis-i-amal held at Victoria Hotel on 13th or 14th February 1953 ?

A. Yes.

Q. Who represented the Jama'at-i-Islami in that meeting ?

A. Malik Nasrullah Khan Aziz and Mian Tufail Muhammad.

Q. Was something said at that meeting about direct action or rust agdam ?

A. I do not know.

Q. Was it also decided at that meeting that a public meeting would be held on the following day, i.e. 15th February ?

A. I do not know.

Q. Did you see the proceedings of the public meeting in the newspapers ?

A. I might have seen it.

Q. Did the Jama'at issue any contradiction of what was reported in the newspapers ?

A. In the "Tasneem" of 20th February Mian Tufail Muhammad

5 issued a statement to the effect that it was not necessary for the members of the Jama'at to sign any declaration (4x.D.E./73) and that they should

not do anything which was improper.

Q. Did you oppose the Rast Aqdam because (1) the other Provinces were not interested in it; and (2) the educated classes of the Punjab were against it ?

A. No. We opposed Rast Aqdam on principle.

To Court :

Q. Is it stated in your literature that you were opposed to Rast aqdam, because the people were not yet ripe for it and that, consequently, the movement might not be successful ?

A. No.

Q. And what about the decisions taken by the Majlis-i-Shoora and reported in the "Tasneem" of 7th March 1953, Ex.D.E./68 ?

A. These did not refer to direct action but to the movement.

Cross-examination by Mr. Fazal Ilahi (Continued) :

Q. Did the Maulana issue a press note on 5th March 1953 after he returned from the Government House ?

A. Yes.

Q. Is this Exhibit D.E./74 ?

A.. Yes..

Cross-examination by Mr. Abdur Rahman Khadim, on behalf of Sadr Anjuman-i-Ahmadiyya Rabwah :-

Q. Please look at paragraph 5 of Exhibit D.E./66 and say whether it was Maulana Maudoodi's views that the educated public of the country had not so far been convinced of the correctness of the demands in respect of the Ahmadis and that the movement in support of those demands was confined to the Punjab and Bahawalpur and that the other Provinces of Pakistan were not interested in it ?

a. Yes. This appears to have been the Maulana's view in this letter.

Q. Does the following paragraph 1 of the letter, Exr-

D.E./66 correctly represent Maulana Maudoodi's views:-

آل پارلیمنٹ کونسل کے اعلیٰ ترین نمبر پر اس میں پورا
اس کی ایک مرتبہ مجلس عمل سے کوئی ایسی کمی نہ تھی
جو کہ ہم نے ایک ایسا بیان پڑا ہے جس میں مذہبی شیعہ
مستقل حدود میں بڑا گرام بنایا ہو۔ اب یہ مسیحی ہیں
جو کہ وہ بڑا گرام لے گیا تھا جس کے مطابق پنجاب میں
وہ ایک نیا شیعہ گروہ بن گئے اور اس کے متعلق کوئی شیعہ
۲۲ روزہ کی کہ بخاری ایک کتاب میں مذکور ہے
اور اس کے بعد اس کے بعد اس میں وہ دونوں ایسا لکھا گیا
اب اگر کوئی شیعہ نہ چاہے وہ لکھے۔ (جس میں مذہبی شیعہ
پر گہرا اثر ہے۔) تو یہ فرق اس کے بعد لکھا ہے۔ وہ
یہ مذہبی۔ مگر یہ بڑا گرام ایک شیعہ کے نام سے
ہی لکھا گیا ہے۔

A. Yes.

To Court :

Q. Do you agree with this view ?

A. Yes.

Cross-examination by Mr. Abdur Rahman Khalim (Contd.)

Q. And do you agree with the views of your Secretary published in the "Tasneem" of 4th March (Ex.D.2./70) to the following effect :-

اس سے مراد ہم بتواتر یہ کہ یہ ترکیب اب ایسے غیر ذمہ دار لوگوں کے ہاتھ میں آگئی ہے۔ جسکو خدا نے ہی سکھایا تھا کہ وہ نہیں دیکھتے۔ وہ نہیں جانتے کہ کونسل اب اکابر کو نوڑنے سے ہے اس ترکیب کے رعبہ۔ اس لیے رد کے شعوروں سے جماعت اسلامی اپنے ذمے ایک کام لے چکی ہے۔ اور وہ اسکو کرتی دیکھتی۔ جو لوگ بغیر بابے بونے اٹھیں سید ہی یا لیلیاں بنا رہے ہیں وہ مشترک منہ پر کو فائدہ کی بجائے۔
نفسان پونہا دیں گے؟

A. Yes.

To Court:

Q. What was the work which the Jama'at had undertaken in consultation with the responsible leaders ?

A. I do not know.

Cross-examination by Mr. Abdur Rahman on behalf of

Sair Anjuman-i-Ahmediyya Raowah, Continued :

Q. Do you know if this undertaking refers to the undertaking given by the Jama'at to engage itself in literary propaganda against the Ahmadis and not

to take any part in the Direct Action and thus remain out of jail ?

A. I know of no such undertaking.

Q. are there any shias who are members of your Jama'at ?

A. Mr. Baqir Khan is a member of our Majlis-i-Shura. He is a Shia.

Q. I put it to you that Mr. Baqir is not a Shia. Can you swear that he is one now ?

A. No. I cannot swear. I say he is a Shia because he comes of a Shia family. I never discussed the question of his faith with him.

To Court :

Q. Are you in favour of Quran and Sunna ?

A. Yes.

Q. Is Shia Sunna different from the Sunna of Jama'at-i-Islami ?

A. Yes. There are differences between the two.

Q. Is your conception of Sunna based on ahadith which are accepted exclusively by the Sunnis ?

A. The question has not as yet been raised.

Q. Do you know that the Sunna of the Four Jurists is different from the Sunna of the Shias ?

A. Yes, but I have not studied the point.

Q. If a person does not consider the first three Caliphs to be rightful Caliphs but usurpers, can he remain or become a member of your Jama'at ?

A. I cannot answer this question off-hand and will have to consult Maulana Maudoodi or the Majlis-i-Shura. This question has never arisen.

Not to be reported.

To Mr. Abdur Rahman Khadim, Advocate, on behalf of
Sadar Anjuman Ahmadiyya, Rabwah :-

Our Jama'at is not a purely religious party.

Q. Is one of the aims of your Jama'at to acquire political power ?

A. No.

Q. Please look at the following passage at page 71 of Maulana Maudoodi's "Tafheemat", Part II, and say whether what is stated there by the Maulana does not contradict your assertion that acquisition of political power is not one of the objects of the Jama'at :-

"یہ مذہبی تبلیغ کرینا ہے واعظین اور مبشرین کی جماعت نہیں
ہے بلکہ خدائی فوجداریوں کی جماعت ہے - اور اس کا کام
یہ کہ دنیا سے ظلم - خدہ - فساد - بد اخلاقی - طغیانی -
اور ناجائز انتفاع کو بزور مٹا دے - ارباب من رن اللہ کی خداوندی
کو ختم کر دے اور ہدی کی جگہ نیکی قائم کرے - لہذا اس
پارٹی کیلئے حکومت کے اقدار پر قبضہ کرنے بغیر کوئی چارہ
نہیں ہے - کیونکہ مفسدانہ نظام تمدن ایک فاسد حکومت کے
بل پر ہی قائم ہوتا ہے - اور ایک صالح نظام تمدن اسوقت
تک کسی طرح قائم ہی نہیں ہو سکا - جب تک کہ حکومت مفسدین
سے مشروط ہو کر مصلحین کے ماتحت نہ آجائے -"

A. "It does not contradict my views. The words "party" and "Jama'at" refer not to Jama'at-i-Islami, which had not then come into existence but to the whole Muslim community.

Q. Does this represent the present views of the Jama'at ?

A. Yes.

Court Question : Supposing these views had been expressed by Maulana Maudoodi today, will not the words "party" and Jama'at in this passage refer

exclusively to Jama'at-i-Islami ?

a. Yes.

To Counsel, contd.-

Q. Does the following passage appearing at page 11 of "Hudud-i-Jama'at-i-Islami", Part III, rightly represent the present views of Jama'at-i-Islami :-

"چنانچہ اسی طریق کار کو ہم نے اختیار کیا ہے - اور ہمارا ایمان ہے کہ اس ایک دعوت اور طریق کار کے علاوہ دوسری تمام دعوتیں اور طریقہ ہائے کار ہوابس یا ہل ہیں۔"

a. Yes.

To Mr. Mazhar Ali Azhar, Advocate, on behalf of Majlis-i-Ahrar :-

Q. Did Jama'at-i-Islami publish the proceedings of the trial of Maulana Maudoodi in the pamphlet Ex.D.5./75 ?

a. Yes.

Q. Did the Maulana in his statement in that case say :-

"میں اس ملک میں ایک نقطہ خیال رکھنے والی جماعت کا لیڈر ہوں اور مجھے پورا حق پہنچتا ہے کہ میں ہر سرائقदार پارٹی کی پالیسیوں پر تنقید کروں چاہے کہ میں اسکی غلطیاں واضح کر کے پبلک سے یہ اپیل کرتا ہوں کہ اس پارٹی کو اقتدار کے منصب سے ہٹا دیا جائے - مسلح بغاوت کے موافق نہیں ہر سرائقदार پارٹی کو اقتدار کی جگہ سے ہٹانے کی موافقہ کرنا مجاز ہوں -"

(vide p. 34 of Ex.D.5.75) ?

A. Yes.

Q. With this belief, if the programme chalked out in Karachi did not amount to an armed revolt, could the Jama'at, consistently with its views, join it?

A. It does not necessarily mean that because a programme does not amount to armed revolution, the Jama'at-i-Islami should join it, irrespective of other considerations.

Q. Did Jama'at-i-Islami express its opinion in regard to the rights of Ulama to refer to the doctrine of Khatim-i-Nabawwat in their congregational addresses in mosques?

(NOTE : Witness's attention drawn to the "Tasneem"
10th July 1962 (Ext.D.E./76.)

A. Yes. Its attitude will be found in the document referred to.

Q. Was a meeting of the Majlis-i-Amal held in Lahore on 26th January 1953, which was attended by Maulana Nasarullah Khan Aziz and at which the programme chalked out at Karachi was unfolded by Master Taj-ud-Din Ansari?

A. I know nothing about it. The proceedings of that meeting appear to have been reported in the "Tasneem" of 28th January 1953, Ext.D.E./77.

Q. Did any one on behalf of the Jama'at-i-Islami contradict what is reported in the "Azad" of 28th January 1953, Ext. D.E./78?

A. I have never read the "Azad" before.

Q. Do you know anything about the statement of Mr. Tufail Muhammad, Secretary of the Jama'at,

published in the "Tasneem" of 20th February,

Ex.D.E./73, to the effect that the members of the

Jama'at should not take part in any East Bengal

proceedings until the Central Majlis-i-Amal chalked

out a definite programme ?

A. Yes. The so-called statement does appear in this paper.

Q. Look at the editorial note in the "Tasneem" of 23rd February 1953 (Ex. D.E./79) and say if it really represents the attitude of the Jama'at that, if the demands were not accepted, a firmer action, different from petitions and memorials, would have to be taken ? And what did the Jama'at mean by firmer action ?

A. The editor, who wrote this note, should answer this.

Cross-examination by Mr. Yaqub Ali Khan on behalf of Mr. Daultana :-

Q. Was there any hangama from 20th July 1952 to 5th August 1952 in the Province ?

A. I do not remember.

Because we do not believe in unconstitutional methods, therefore, anything that appears to us to be unconstitutional would be disapproved by the Jama'at and

we need not publicly denounce such unconstitutional methods.

To Court :

Q. Do you mean by 'Rast Aqdam' direct action ?

A. I consider both synonymous.

Q. Have you referred to the words "direct action" in your written statement ?

A. Yes.

Q. Did Maulana Abul Ala Maudoodi also take 'Rast Aqdam' to mean 'direct action' ?

A. Yes. It appears to be so from Exhibit D.5./67.

Q. Other members of the Majlis-i-Amal, who have given evidence before us, have been seeking to draw a distinction between 'Rast Aqdam' and 'direct action'. Do you agree with this view ?

A. No.

R.O. & A.C.

Sd. M. MUNIA.

PRESIDENT.

Sd. M.B. Kayani.

MEMBER.

13th October 1953.

WITNESS NO. 65 (Called by the Jama'at-i-Islami).

Mian Tufqil Muhammad, ex-General Secretary of the
Jama'at-i-Islami, on S.A :-

I was appointed Qayyam (General Secretary) of the
Jama'at-i-Islami in April 1944 and continued to hold that
office till 4th October 1948 when I was arrested. I again
became the Qayyam in June 1950 and continued to be so till
27th March 1953 when I was again arrested by the Martial
Law authorities.

I attended two meetings of the Majlis-i-amal which
had been constituted by the All Muslim Parties' Convention
in Lahore in July 1952. The first meeting of the Majlis-
i-amal that I attended was about the end of the November
1952. This meeting was held in the office of the
"Zamindar". I attended this meeting as a representative
of the Jama'at and under instructions from Maulana Maudoodi.
He gave me full authority to act subject to the policy of
the Jama'at. No agenda for that meeting had been circulated.
Sahibzada Faiz-ul-Hasan proposed a civil disobedience
resolution if the demands were not accepted. Malik
Nasarullah Khan Aziz, who was the other representative
of the Jama'at in that meeting, opposed this resolution.
I also opposed that resolution. The house was unanimously
against this resolution and it was eventually withdrawn
by its mover. Thereafter Sa. Hissam-ud-Din moved another

resolution. This was to the effect that a meeting of the Convention be called in Karachi to consider the question of the constitution and the question of the doctrine of Khutim-i-Nabuwwat. This resolution was carried through. On 17th February 1953 I attended the second meeting of the Majlis-i-Amal. This meeting was held in the house of Maulana Asul Hasnat. Maulana Maqsoodi had given me a letter to be read before that meeting of the Majlis-i-Amal. That letter was read to the house by Malik Nasarullah Khan Aziz who was also present on behalf of the Jama'at-i-Islami. The letter was to the effect that what was being done under the authority of 'Direct action' in the Punjab was all ultra vires, the point being that the convention which had been called in Karachi in pursuance of Sh. Hissam-ud-Din's resolution passed at the Majlis-i-Amal in November 1952 had not defined how 'Rast Iqdam' was to be taken, and that, therefore, the form which the agitation was actually taking did not derive its authority from the resolution relating to 'Rast Iqdam' which had been passed in Karachi. It was accordingly decided by the Punjab Majlis-i-Amal that another meeting of the Central Majlis-i-Amal should be called and the whole matter placed before it. Two notices of the meeting of the

Central Majlis-i-Amal that was to be held in Karachi were received by the Jama'at, one on 18th and the other on the 21st February 1953. The meeting of the Central Majlis-i-Amal was to be held on 26th February. The Jama'at deputed Maulana Sultan Ahmad, Ameer of the Jama'at in Sind and Karachi, to represent the Jama'at at the meeting of the Majlis-i-Amal on 26th February. Full instructions for this meeting were issued to Maulana Sultan Ahmad in the form of a letter that was written to him by Maulana Kaudoodi on the 22nd February 1953. This letter was sent by post.

Q. Did Maulana Sultan Ahmad send a report of the proceedings of the Majlis-i-Amal ?

a. He did not write any letter but informed us of the result over the telephone.

Besides the letter of 22nd February, we communicated the instructions to Maulana Sultan Ahmad by telephone on the night of 25th/26th February.

Q. What did Maulana Sultan Ahmad say over the telephone ?

a. He said that he had not by that time received the letter but that the instructions given to him over the telephone had been complied with and he had placed the point of view of the Jama'at before the

meeting of Majlis-i-Aral. He further said that the Majlis-i-Aral had dissolved itself and converted itself into a Direct Action Committee of a few members, in which the Jama'at-i-Islami had not been given any representation. The impression that we received from Maulana Sultan Ahmad was that because the Jama'at-i-Islami had opposed the Direct Action programme, it should be excluded from the deliberations of the Direct Action Committee. /

Because there were inquiries from the Mufasssil about the attitude to be adopted by the Jama'at-i-Islami regarding the direct action, I issued certain instructions to them in the "Tasneem" of 20th February 1953 (Ex.D.E/73). Several inquiries on the subject were received by us during the Martial Law days. I replied to these inquiries, one of the replies being Ex.D.E/80. There was a meeting between Maulana Maudoodi and some representatives of Jama'at-i-Ahmediyya. This meeting was held at the office of the Jama'at-i-Islami some time in the end of July. The proceedings of this interview were published by the "Alfazi" and Maulana Maudoodi made his own observations about it, which were published in the "Tasneem" of 5th August, 1952, Ex.D.E./81.

To Mr. Fazal Ilahi, advocate, on behalf of the
Punjab Government :

The Jama'at had decided to include in its programme the demand relating to the declaration of Ahmadis as a minority. This was also mentioned as the eighth point in the nine constitutional points already formulated.

We opposed the civil disobedience resolution at the meeting of the Majlis-i-Amal held in November at Lahore because on principle we were against civil disobedience in such matters. I took civil disobedience to imply happenings as they had taken place during the Ministry of Malik Khizar Hayat in the Punjab. To my mind the essence of civil disobedience appeared to be to break the law and to fill jails with law-breakers. I take direct action to mean precisely what civil disobedience implies. Sahibzada Faizul Hasan did not explain in his resolution what he meant by civil disobedience.

Q. After rast aqdam was decided upon in Karachi, did you attend any meeting of the Majlis-i-Amal, or any public meeting ?

A. No.

To Mr. Abdur Rahman Khattin, Advocate, on behalf of
Sadar Anjuman Ahmadiyya, Rabwah :

Q. Is it rightly reported in the "Tasneem" of 4th March

1953, Ex. D.B./70, that the Jama'at-i-Islami had undertaken all responsibility in the matter relating to Khatm-i-Nabuwat ?

A. Yes.

To Court :

Q. What was that undertaking by the Jama'at ?

A. To press the demands in a constitutional manner and not to take any part in the direct action.

To counsel, (Continued)

Q. Did Maulana Maudoodi ever express the opinion that Muslims who were taking part in the Kashmir fight were not taking part in any Jihad because no Muslim Government had yet been founded in Pakistan ?

A. This is absolutely without any foundation.

Q. Did he also express the view that because the Governments of India and Pakistan had made agreement, therefore, the subjects of Pakistan could not rightly take part in any fight against India and that such a fight was not Jihad ?

A. I was present when Maulana Maudoodi gave an answer to this question. It was given by him at Peshawar when a member of the Azad Kashmir Government, who

was then disguised and was not known to the Maulana, insisted four or five times that he was questioning the Maulana as an Alim-i-Din. What the Maulana stated was that because there existed an agreement between India and Pakistan, it was not lawful according to our religion for any national of Pakistan to fight against India. The questioner asked the Maulana if he could publish this opinion. The Maulana said that if he did anything of that kind he would cause more damage to Pakistan and Kashmir than to the Maulana himself. The opinion was misreported in the "Shahbaz" and later on in the "Civil & Military Gazette" with the result that the Maulana felt the necessity of clarifying his position by publishing the book M.D.E./82. Therefore what is reported in the Tarjuman-ul-Quran, namely,

"اگر ہماری سرحد کے باہر کسی مسلمان آبادی پر ظلم ہو رہا ہو اور وہ ہم سے مدد مانگے تو ہم صرف اس صورت میں مدد کو جاسکتے ہیں۔ جبکہ ظلم کرنے والی قوم کے ساتھ ہمارے (قومی حیثیت سے) معاملات معاملات نہ ہوں۔ لیکن

اگر ظالم قوم کے ساتھ ہمارا معاملہ ہو تو ہمارا
دل خواہ اپنے مظلوم بھائیوں کی مصیبت پر کتنا ہی کڑھتا
ہو ہم ان کی حمایت میں انفرادی یا اجتماعی طور پر کوئی
جنگی کارروائی نہیں کر سکتے *

must be correct.

Sd. K. MENIK.

PRESIDENT.

Sd. M. R. KAYANI.

MEMBER.

13th October 1953.

Adjourned till tomorrow when the statement
of Mian Tufail Muhammad will be resumed.

Sd. K. MENIK.

PRESIDENT.

Sd. M. R. KAYANI.

MEMBER.

13th October 1953.

14th October 1953.

35th Sitting.

PRESENT :

Hon'ble Mr. Justice Muhammad Muir,
Chief Justice, President.

Hon'ble Mr. Justice M. R. Kayani, Member.

Mr. Fazal Ilahi, Advocate for the Punjab
Government.

Mr. Bashir Ahmad, Advocate, assisted by Messrs.
Asadullah Khan, Abdur Rahman Khadim and
Ghulam Murtaza Khan, advocates, for Sadr
Anjuman-i-Ahmediyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

Mr. Said Akbar, Advocate, and Mr. Yaqub Ali
Khan, Advocate, for Mr. Daultana.

Maulana Daud Chaznavi Member, Majlis-i-Amal,
in person.

WITNESS NO. 65 (Called by the Jama'at-i-Islami), Contd.-

Mian Tufail Muhammad. ex-General Secretary
of the Jama'at-i-Islami, on solemn affirmation :-

XXn. by Mr. Abdur Rahman on behalf of Sadr
Anjuman-i-Ahmediyya Rabwah :-

Maulana Ka idoodi issued a statement

clarifying his position in regard to the expression of his opinion about Kashmir Jihad. That statement is Ex.D.E./63 published in the "Tasbeem" of 12th August 1948. Maulana Shabbir Ahmad Usmani and other Ulama differed on this point from Maulana Maudoodi and entered into some correspondence with him with a view to bringing him round to their own view, but the Maulana said in reply that the argument that had been advanced against his view had not convinced him.

Q. Did Maulana Maudoodi and the Jama'at-i-Islami agree with the idea of Pakistan presented by the Muslim League before the Partition ?

A. His views on this point are stated at pages 199 to 216 of his work "Mussalman aur maujuda siyasi kashmakash" Part II. These views were expressed by him in 1937 - 38 and the conception of Pakistan was first officially adopted by the Muslim League in 1940. From 1940 up to the Partition he expressed his opinion about the Muslim League ideology only once and that was at the time of elections in 1946.

To Court :

Q. We have read the three sketches of the future constitutional set up contemplated by the Maulana and the idea of a separate independent state for Muslims is completely missing there. Do you agree with this construction of Maulana Maudoodi's sketches ?

A. You may read the three sketches and form your own opinion.

Q. When was the first volume of "Mussalman aur maujudia siyasi kashmakash" published ?

A. Either at the end of 1939 or the beginning of 1940. I do not know whether it was published before or after the Muslim League had passed the resolution relating to the establishment of a separate home land for Muslims in 1940 in Lahore.

XXc. by Mr. Asadur Rahman continued :-

Q. Did Maulana Maudoodi in the third volume of "Mussalman aur maujudia siyasi kashmakash" express the following opinion at pages 136 - 137 ?

بعض لوگ یہ خیال کرتے ہیں کہ اسلام دوسرا غیر اسلامی چیز ہی کا ہے۔ مسلمان کا قومی اسٹیٹ قائم تو سوچا جائے پھر رفتہ رفتہ تعلیم و تربیت اور اخلاقی اصلاح کے ذریعہ سے اس کو اسلامی اسٹیٹ میں تبدیل کیا جا سکا ہے۔ مگر میں نے تاریخ سیاسیات اور اجتماعات کا جو مطالعہ کیا ہے اس کی بنا پر میں اس کو ناممکن سمجھتا ہوں اور اگر یہ متعصب کامیاب بھی ہو جائے تو میں اس کو ایک محضہ سمجھوں گا جیسا کہ میں پہلے عرض کر چکا ہوں حکومت کا نظام اجتماعی زندگی میں بڑی گہری خرابی رکھتا ہے جب تک اجتماعی زندگی میں تغیر واقع نہ ہو۔ کسی مصنوعی تدبیر سے نظام حکومت

میں کوئی مستقل تغیر پیدا نہیں کیا جا سکتا۔ عربین عبدالعزیز جیسا فرمانروا جسکی پشت پر تابعین و تابعین کی ایسی بڑی جماعت تھی اس معاملہ میں قلعی ناکام ہو چکا ہے کیونکہ سوشلسٹ بحیث مجموعی اس اصلاح کے لئے تیار نہ تھی۔ محمد تعلق اور عالمگیر جیسے طاقتور بادشاہ اپنی شخصی دینداری کے باوجود نظام حکومت میں کوئی تغیر نہ کر سکے۔ امام الرشید جیسا با حبروت حکمران نظام حکومت میں نہیں۔ بلکہ اسکی اوپری شکل میں خفیف سی تبدیلی پیدا کرنا چاہتا تھا اور اس میں بھی ناکام ثابت ہوا۔ یہ اس وقت کا حال ہے جب کہ ایسا شخص کی طاقت بہت کچھ کر سکتی تھی۔ اب میں یہ سمجھنے سے قاصر ہوں کہ جو قومی اسٹیٹ جمہوری شرز پر قائم ہو گا وہ اس بنیادی اصلاح میں آخر کس طرح مددگار ہو سکا ہے۔ جمہوری حکومت میں اقتدار ان لوگوں کے حاتمہ آتا ہے جن کو وٹروں کی پسندیدگی حاصل ہو وٹروں میں اگر اسلامی نہ حنیت اور اسلمی فکر نہیں ہے اگر وہ صحیح اسلامی کوئی کر کے عاشق نہیں ہیں۔ اگر وہ اس سے لگا ہوا اور ان سے لچک اصولوں کو برداشت کرنے کے لئے تیار نہیں ہیں ہر اسلامی حکومت چڑنی جاتی ہے تو ان کے وٹروں سے کبھی "مسلمان" قسم کے آدمی منتخب ہو کر پارلیمنٹ یا اسمبلی میں نہیں آسکتے۔ اس ذریعہ سے تو اقتدار انہی لوگوں کو ملے گا جو مردم شعاری کے رجسٹر میں چاہے مسلمان ہوں مگر اپنے نظریات اور دوش کار کے اعتبار سے حکو اسلام کی خواہی نہ لگی ہو۔ اس قسم کے لوگوں کے حاتمہ میں اقتدار آنے کے معنی یہ ہیں کہ ہم اس مقام پر کھڑے ہیں جس مقام پر غیر مسلم حکومت میں رہے بلکہ اس سے بھی بدتر مقام پر۔ کیونکہ وہ اسلامی حکومت جس پر اسلام کا نمائشی پھل لگا ہو گا۔ انقلاب کا راستہ روکنے میں اس سے بھی زیادہ جبری اور بیباک ہوگی جسے غیر مسلم حکومت ہوتی ہے غیر مسلم حکومت جن کاموں پر قید کی سزا دیتی ہے وہ "مسلم قومی حکومت" انکو پھانسی اور جلاوطنی کی صورت میں دے گی۔ اور پھر یہی اس حکومت کے لیڈر جیتے جی غاری اور مرنے پر رحمۃ اللہ علیہ ہی رہیں گے۔ پس یہ سمجھا قلعی قلعہ ہے کہ اس قسم کی "قومی حکومت" کسی معنی میں بھی اسلامی انقلاب لانے میں مددگار ہو سکتی ہے اب سوال یہ ہے کہ اگر ہمارے حکومت میں بھی اجتماعی زندگی کی بنیادیں بدلنے میں کی کوشش کرنی پڑیگی اور اگر ہمیں یہ کام حکومت کی امداد کے بغیر بلکہ اسکی مزاحمت کے باوجود اپنی قربانیوں ہی سے کرنا ہو گا تو ہم آج ہی سے یہ راہ عمل کیوں نہ اختیار کریں؟ اس نام نہاد "مسلم حکومت" کے انتشار نے اپنا وقت یا اسکی قیام کی کوشش میں اپنی قوت ضائع کرنے کی حماقت آخر ہم کیوں کریں جسکے متعلق ہمیں یہ معلوم ہے کہ وہ ہمارے مقصد کے لئے نہ صرف غیر مفید ہوگی بلکہ کچھ زیادہ ہی سد راہ ثابت ہوگی۔

A. Yes. These must be taken to be his views because they appear in his book.

Q. Did Maulana Maudoodi also express the following

opinion at pages 106 - 107 of "Mussalman aur

Maujuda siyasi kashmakash" volume III ?

د - ارکان جماعت کیلئے ہماری مدایت یہ ہے کہ وہ اپنی توقعات کو اپنا
 - اقامت دین کی جدوجہد پر

"انکا خیال بالکل غلط ہے کہ مسلم اکثریت کے صوبوں میں حاکمیت
 جمہور کے اصول پر خود مختار حکومت کا قیام آخر کار حاکمیت رب العلیین کے قیام
 میں مددگار ہو سکتا ہے جیسی مسلم اکثریت اس مجوزہ پاکستان میں ہے وہی ہے
 بلکہ عربوں حیثیت سے بہت زیادہ زبردست اکثریت افغانستان - ایران - عراق -
 ترکی اور مصر میں موجود ہے اور وہاں اسکو "پاکستان" حاصل ہے جسکا
 یہاں مثالہ کیا جا رہا ہے۔ پھر کیا وہاں مسلمانوں کی خود مختار حکومت
 کسی درجہ میں بھی حکومت الہیہ کے قیام میں مددگار ہے یا ہوتی نظر آتی ہے؟
 مددگار ہونا تو درکنار میں پیچھتا ہوں کیا آپ وہاں حکومت الہیہ کی تبلیغ کر کے
 پھانسی یا جلاوطنی سے کم کوئی سزا پانے کی امید کر سکتے ہیں؟"

A. My reply to this question is the same as to the
 previous one.

Q. What about the views expressed by Maulana Abul
 Ala Maudoodi at pages 1954 - 55 of the
 "Tarjuman-ul-Qur'an" of February 1946, in
 the following passage :-

"پھر اگر بالفرض ایسا کرو اکثریت میں منتخب ہو بھی جائے تو جو حالات
 اس وقت پائے جاتے ہیں ان میں یہ ممکن نہیں ہے کہ آزاد پاکستان کے نظام کو اسلامی
 دستور میں تبدیل کیا جا سکے کیونکہ جنت الحقا میں رہنے والے لوگ اپنے خوابوں میں
 خواہ کتنے ہی سبز باغ دیکھ رہے ہوں لیکن آزاد پاکستان (اگر فی الواقع وہ بنا بھی
 ہو) "لزاماً" جمہوری لادینی اسٹیٹ کے نظریہ پر بنے گا - جس میں غیر مسلم اس طرح
 برابر شریک حکومت ہونگے - جس طرح مسلمان اور پاکستان میں انکی تعداد اتنی کم اور
 ان کی نمائندگی کی طاقت اتنی کمزور نہ ہوگی کہ شریعت اسلامی کا قانون اور قرآن
 کو اس جمہوری نظام کا دستور بنایا جا سکے؟"

A. Yes. The whole of this article was written by
 the Maulana.

Q. Do you still hold the same opinion expressed
 in the above passage and the following passage,
 at page 158 of the "Tarjuman-ul-Qur'an" of
 February 1946 :-

"بنیادی تصورات اسکا نظام ترکیبی اسکا مزاج اور اسکی اسپرٹ اسکا طریق کار
 اور اسکے مقاصد سب کچھ وہ میں جو قومی اور قوم پرستانہ تحریکوں کے ہوا کرنے
 میں یہ اور بات ہے کہ یہ مسلمانوں کی قومی تحریک ہے اور مسلمان کی ہر چیز "اسلامی"

میں جایا کرتی ہے اسلئے خواہ مخواہ اسے بھی اسلامی تحریک سمجھ لیا گیا ہے۔ لیکن واقعہ یہ ہے کہ اسلامی تحریک اپنی نوعیت کے اعتبار سے بالکل ایک دوسری ہی چیز ہے۔ جسکا کوئی شائبہ بھی مسلم لیگ کی قومی تحریک میں نہیں پایا جاتا اور یہ کسی طرح ممکن نہیں ہے کہ اسلام اپنے مخصوص طریق کار سے جس منزل تک پہنچنا چاہتا ہے اس تک آپ ایک قوم پرستانہ تحریک کے ڈھنگ اختیار کر کے پہنچ جائیں۔ ہر منزل اپنی فطرت کے لحاظ سے اپنی ہی ایک مخصوص راہ رکھتی ہے۔ آپ اسلام کی منزل مقصود کو پہنچنا چاہیں تو آپ کو اسلامی تحریک میں ہی کی ایک مخصوص راہ کو منجھنا اور اسے اختیار کرنا پڑے گا۔ قوم پرستی کے طریقے اختیار کر کے آپ قومیت کی منزل مقصود تک پہنچ سکتے ہیں مگر یہ توقع کرنا انتہائی پراگندہ خیالی ہے۔ کہ ان ڈھنگوں سے آپ اسلامی منزل مقصود پر پہنچ جائیں گے اس نقطہ کی توضیح کا یہاں موقع نہیں ہے۔ میں مسلمان اور موجودہ سیاسی کشمکش حصہ سوم میں تفصیل کے ساتھ یہ بتا چکا ہوں کہ ایک اصولی تحریک اور ایک قوم پرستانہ تحریک میں کیا فرق ہوتا ہے۔ ضرورت ہو تو پھر اسکی تشریح کر سکتا ہوں یہاں میں اشارتاً صرف اتنی بات واضح کر دینا کافی سمجھتا ہوں کہ ایک اصولی تحریک کے کارکنوں کو یہ خبر دینا کہ تمہارے لئے ایک قوم پرستانہ تحریک نے بڑے اچھے مواقع پیدا کر دیئے ہیں۔ اس بصیرت اور معاملہ فہمی کا ثبوت نہیں ہے۔ اسکی مثال تو بالکل ایسی ہے جیسے کسی عازم کلکتہ کو یہ خبر دی جائے کہ کراچی میل تیار کھڑا ہے۔

4. We still hold the same opinion in the background in which these observations were made.

To Court :-

- Q. Conditions have undoubtedly changed. Has there been any change in the views of the Jama'at ?
- A. Yes. The State is being built on the ideology of the Jama'at.

Cross-Examination by Mr. Abdur Rahman Khadim, (Contd.)

- Q. Were the elections of 1946 held on the Pakistan issue ?
- A. Yes, that was the issue raised by the Muslim League, but we took no part in the elections.
- Q. Did Maulana Abdul Ala Maudoodi define the policy of his Jama'at in the elections of 1946 in the following terms :-

"ووٹ اور الیکشن کے معاملہ میں ہماری پوزیشن کو صاف صاف ذہن

نشیں کر لیجئے۔ پیش آمدہ انتخابات یا آئندہ آنے والے انتخابات کی

اہمیت جو کچھ بھی ہو اور ان کا جیسا کچھ بھی اکثر ہماری قوم یا

ملک پر پڑتا ہو۔ بہر حال ایک با اصول جماعت ہونے کی حیثیت سے

ہماری لئے یہ ناممکن ہے کہ کسی وقتی مصلحت کی بنا پر ہم ان اصولوں

Q. Yes. He said this in reply to Muhammad Inayat

Ullah Warsi.

Q. Did you express the following views at page 15
of the Pamphlet "Maulana Maudoodi ki nazarbandi
kiyun".

د۔ ارکان جماعت کے لئے ہماری ہدایت یہ ہے کہ وہ اپنی توفیقات کو اعلیٰ
اقتدار کی جدوجہد پر مرکوز رکھتے ہوئے دفاع کے مختلف کاموں کی تربیت
حاصل کرنے میں ہوا ہوا حصہ لیں۔

ر۔ علمہ دفاع کی ضرورت پیش آئے ہر ارکان کو بھی بہر حال فوج کے اندر شامل
ہو کر حق فرض ادا کرنا ہو گا۔

س۔ لیکن فوج میں تنوادر ملازم کی حیثیت سے انکو شمولیت کا مشورہ ہم صرف
اسی صورت میں دے سکتے ہیں جب کہ حکومت ریاست اور فوج کے اسلامی
صوبے کا دستوری اعلان کر کے گوگل کی موجودہ حالات کو ختم کر دے ؟

A. Yes. But you must read it in the text in which
this opinion has been expressed.

Q. Is Exhibit D.E./84 a fatwa by Maulana Abul Ala
Maudoodi ?

A. This is not a fatwa but a reply to an istifta.

To Court :-

Q. What is the difference between a fatwa and an
istifta.

A. I have not read urabic and cannot tell you the
distinction between the two. As far as I can
guess, istifta means to ask for a fatwa.

Q. Have you read Allama Iqbal ?

- A. I have read only three books of Allama Iqbal, viz., Bal-i-Jibreel, Zarb-i-Kaleem, Bang-i-Dara'a and Armughan-i-Hijaz.

To Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-

Amal :

- Q. When was the decision referred to in Ex.d.E./70 arrived at ?
- A. As far as I remember on 28th February, 1953.
- Q. What was the Council of action referred to in this document ?
- A. It consisted of Maulana Daul Ghaznavi, Maulana Ismail of Gujranwala, Sayyed Khalil Ahmad and three or four others.

On 4th and 5th March a session of Majlis-i-Shura was held, which was attended by Maulana Sultan Ahmad. In that session he reported to the Majlis what had been discussed and decided upon in Karachi on 26th February, 1953.

- Q. Is this, Ex.D.E./85, the publication of your Jama'at ?
- A. I do not know. This was published after I was arrested.

To Court :

- Q. Are you a Graduate ?
- A. I am a Law Graduate.
- Q. Did you practise ?
- A. I practised from 1939 to 1942 in Kapurthala State.

For my services as General Secretary, I get from the Jama'at a maintenance allowance of Rs. 220/- per mensem with free residence.

Q. So far as the Jama'at-i-Islami is concerned, were the three demands in respect of the Ahmadis based on their political views or purely religious views or both ?

A. They were purely based on the religious views of the Jama'at.

Q. Who are Ahl-i-Qur'an ? Do you consider them as Muslims ?

A. I do not know what their religious views are.

Q. Take it that they do not believe in the Sunnah or the Hadith ?

A. In that case I will not call them Muslims.

Q. Do you know who Chakralvis are ?

A. I have heard of the sect, but I do not know what their tenets are.

Q. How many Ahmadis roughly are there in Pakistan ?

A. There are about forty or fifty thousand.

Q. Assume that there is a fairly large number of Ahl-i-Qur'an in Pakistan. Will you consider it your religious duty to make in respect of them the same demands as you have made against

Ahmadiis ?

A. If they are so aggressive as the Ahmadiis and want to creat a State in the State, we will make the same demands against them. ✓

Q. If the Ahmadiis desist from aggression and give up the attempt, if any, to creat a State within the State, will you even then ask for their declaration as a non-Muslim minority ?

A. Yes, unless they come to agree with us on the doctrine of Khatm-i-Nabuwat. ✓

We will treat them as Zimmis and give them the same rights and put them under the same obligations as are prescribed under the Islamic law.

Q. Will you let them ride a horse ?

A. Yes.

Q. Will you allow them to put on armour ?

A. Yes.

Q. Will you let them wear the same clothes as the Mussalmans wear ?

A. I do not see any objection to this.

Q. Will you require them to wear a kaslii ? ✓

A. No,

Q. Will you let their wives meet the wives of Muslims ?

A. There should be nothing against it.

Q. Please look at the Hedaya, pages 219 - 220, about the position of Zimmis wherein it is stated that it would be the duty of the Imam to apply the restrictions mentioned above to the Zimmis. Do you agree with what is stated there ?

A. I have not read the Fiqah and therefore cannot say whether I agree or do not agree with what is stated there. The restrictions mentioned in the Hedaya were meant to be applied to certain conditions and where the same conditions prevail, these restrictions will apply. The Imam can modify these restrictions in consultation with the Majlis-i-Shura.

Q. What about the other non-Muslims ? Will they also be Zimmis ?

A. Yes.

Q. Will the non-Muslims have the same rights as the Mussalmans in your ideal of the State ?

A. We will not put any non-Muslim in a key position.

Q. Do you claim to establish Islamic Government in this country merely because of the majority of the Muslims ?

- A. There are two reasons for it, (1) the majority of the Muslims, and (2) our religion so requires.
- Q. Supposing in a State the Muslims are 51 and the non-Muslims 49 per cent, will you still enforce the same form of government as you are contemplating for Pakistan ?
- A. Yes. If it is possible to establish an Islamic State in the circumstances supposed, we would do so but we would see that the Government we establish is stable.
- Q. Will the 49 % people who will be occupying the position of Zimmis in such a State be satisfied with the conditions of life ?
- A. I have not considered over this possible position because that position does not at present confront us.
- Q. With your ideology can you expect the non-Muslims of Pakistan to be true and loyal subjects of the State ?
- A. They will be more faithful to Pakistan than to Mr. Nehru.
- Q. Your reason for this ?
- A. Because we will treat them generously.

Q. What would the non-Muslims in your opinion prefer, to have equal rights of citizenship with Muslims in a modern State or to have generous treatment because of their being of a religious denomination ?

A. In my opinion they would prefer the second alternative namely, to be treated generously and not on an equal footing with the Muslims.

Q. What is the population of Muslims in the world ?

A. Fifty crores.

Q. If the total population of Muslims of the world is fifty crores, as you say, and the number of Muslims living in Pakistan, Saudi Arabia, Yemen, Indonesia, Egypt, Persia, Syria, Lebanon, Transjordan Turkey and Iraq does not exceed twenty crores, will not the result of your ideology be to convert thirty crores of Muslims of the world into hewers of wood and drawers of water ?

A. My ideology should not affect their position.

Q. Even if they are subjected to discrimination on religious grounds and denied ordinary rights of citizenship ?

A. Yes.

Q. Did you read the speech of the Quaid-i-Azam before the Constituent Assembly in Karachi on 11th August 1947 ?

A. Yes.

In my opinion what the Quaid-i-Azam intended to say on that occasion was that Muslims and non-Muslims would be looked upon with the same eye (ek nazar se).

Q. Read an article on minorities' rights in the "Civil and Military Gazette" of 13th October 1953, and say whether it correctly represents your view of an Islamic State ?

A. I have read this article and I do not acknowledge these rights for the Christians or other non-Muslims in Pakistan, if the State is founded on the ideology of the Jama'at.

Q. What do you mean by key posts ?

A. Posts which involve formulation of a policy.

Q. And what about posts involving execution of policy ?

A. I personally think that this class of posts should not be treated as key posts.

Q. What is the difference between key posts and important posts ?

A. It is not necessary that all important posts

should be key posts.

Q. How many key posts, in the sense in which you understand the term, did the Ahmadis, other than Chaudhri Muhammad Zafarullah Khan, hold in Pakistan when you demanded that they should be removed from key posts ?

A. I cannot mention any.

Q. Can you say whether any such post, in fact, was held by any Ahmadi ?

A. I cannot name any post, except that of the Foreign Minister.

Q. Then why did you include in your demands the third demand, which has nothing to do with Chaudhri Muhammad Zafarullah Khan ?

A. Because that demand followed as a corollary from the first and foremost demand against Chaudhri Muhammad Zafarullah Khan.

Q. If your principle is accepted, you will have no objection if thirty crores of Muslims, who live as subjects of non-Muslims Government, are not admitted to key posts in their States ?

A. We have no right to object to that.

Q. Can a Muslim have hubb-ul-watan ?

A. Yes.

- Q. Is your ideology the peculiar ideology of your Jama'at or is it the generally accepted ideology of all Muslims ?
- A. It is pure Islamic ideology, as taught and demonstrated by the Prophet and his companions.
- Q. Is this ideology shared by all other Ulema, say for instance, Ulema-i-Hind ?
- A. They agree in theory with our ideology but consider it impracticable in their country.
- Q. Have they not said that a Muslim can be a loyal and faithful subject of India ?
- A. They might have said so, but I do not know.
- Q. Do they believe in nationalism ?
- A. Yes.
- Q. What do you understand by nationalism ?
- A. Nationalism means, to think of the nation first and of religion afterwards.
- Q. Has this idea been expressed by other Ulema in India, Egypt and other Muslim countries ?
- A. I do not know.
- Q. How many crores of Muslims are there in China ?
- A. There may be four or five crores.
- Q. and in U.S.S.R. ?

A. I do not know.

Q. Is there a Jama'at-i-Islami in India ?

A. Yes.

Q. Is its ideology the same as that of Jama'at-i-Islami in Pakistan ?

A. As far as I know their ideology is the same as ours.

Q. Do they also intend to establish in India a state based on Islamic principles by constitutional means ?

A. Yes. So far as I know this is their ideology.

Q. The Jama'at had certain aims and objects before the Partition. Are the aims and objects of Jama'at-i-Islami in Pakistan exactly the same ?

A. Yes.

Q. Can members of the Jama'at be loyal citizens of India ?

A. Yes.

Q. Can a Muslim participate in affairs of state with kuffar ?

A. No. we cannot admit a non-Muslim to any key position in the state. Similarly, no Muslim can accept a key position in India.

- Q. Suppose the State of Pakistan is founded on your ideology and there is a war between Pakistan and India. The Indian Muslims who believe in nationalism, fight against the army of Pakistan and are captured by Pakistan forces. What will be their status according to your religious convictions ?
- A. We will consider such prisoners as Muslims and we will give them the same status as to other prisoners of war.
- Q. What is that status ?
- A. They will be treated under International Law.
- Q. Is there any law of war in Islamic Law ?
- A. Yes.
- Q. If that comes into conflict with International Law, which will you follow ?
- A. Islamic Law.
- Q. Then please state what will be the status of prisoners of war captured by your forces ?
- A. I cannot reply to this offhand. I will have to study the point.
- Q. How have Muslim prisoners of war been treated by a conquering Islamic State ?
- A. I have read History up to 10th class. After that

I took up science at the college and did not pursue my studies in History. I cannot, therefore, give an exact reply to this question.

Q. Surely you do not think that the States of Saudi Arabia, Afghanistan and Iran are founded on your ideology ?

A. No.

Q. Does any Muslim State follow your ideology at present ?

A. No.

To Maulana Dawid Ghaznavi, on behalf of Majlis-

1-Arabi :

The word "zimmi" occurs in Hadith.

Q. Does the word "zimmi" imply any inferiority ?

A. No. The word "zimmi" indicates that Muslims are responsible for the protection of non-Muslims.

There is a Hadith that the life, honour and property of the zimmi are as much sacred as those of the Muslims. The restrictions which have been mentioned in the Hidayah are not to be found in the Holy book or in the Hadith. It is possible that the restrictions on the zimmi mentioned in the Hidayah were thought of because the loyalty of the zimmi to whom these restrictions were applied was open to suspicion. The Qur'an says that when prisoners are

first brought to you, you either oblige them by granting them their freedom or accept fidya from them and give them their liberty. It is quite true that in early days of Islam, Muslim prisoners were converted by the non-Muslims in power into slaves.

In my opinion the responsibility for the disturbances rests on those parties which are mentioned by Maulana Abul Ala Maudoodi in his written statement, namely, the Ahmadiis, those who thought of direct action, the Central Government and the provincial Government. The declaration of Mirza Bashir-ud-Din Mahmood Ahmad of May 1953 does not improve the situation inasmuch as it does not amount to an acceptance of the conditions which Maulana Maudoodi had presented to him through Khwaja Nazir Ahmad.

Re. II. Nil.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

14th October 1953.

Proceedings adjourned till tomorrow.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

14th October 1953.

15th October 1953.

36th sitting.

PRESENT :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice K. R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Yaqub Ali Khan, Advocate, for
Mian Muntaz Muhammad Khan Daultana.

Maulana Daud Ghaznavi, Member Majlis-i-Amal.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

Mr. Mazhar Ali Azhar, Advocate, for Jama'at-i-
Ahrar.

Mr. Bashir Ahmad, Advocate, assisted by Messrs.
Asadullah Khan, Abdur Rahman Khadim and
Ghulam Murtaza Khan, Advocates, for Sadr
(.) Anjuman-i-Ahmadiyya Babwah.

Statement of Mian Tufail Muhammad,

(Witness No. 65), continued, on S.A :-

To Court :

Exhibit D.A./12 is a photostat copy of a
letter which I wrote to someone whose name I do not

now remember. The registers of the Jama'at would give the particulars of the addressee.

Q. You stated yesterday that the declaration of Mirza Bashir-ul-Din Mahmood Ahmad of 14th of May 1953, did not improve the situation. Have you seen the written statement put in by Sadar Anjuman Anshariyya, Rabwan, with the concurrence of the head of their community ?

A. No.

Q. In his address to the Constituent Assembly on 11th August 1947, the Quaid-i-Azam, addressing non-Muslim minorities, said :-

"If you work in a spirit of co-operation, forgetting the past and burying the hatchet, I will say that everyone of you, no matter to what community you belong no matter what is your colour, caste or creed, is first, second and last a citizen of the State with equal rights, privileges and obligations."

Does this view agree with the ideology of your Jama'at ?

A. If the Quaid-i-Azam in this pronouncement was referring to a secular State, then the Jama'at does not agree with this view. The uncompromising ideal of the Jama'at is to found an

Islamic State on the basis of Qur'an and Sunnah.

Q. Does the conception of Pakistan appearing in the speech of the Quaid-i-azam differ from the Objectives Resolution ?

a. Yes. The speech ostensibly contemplates a secular State and the Objectives Resolution is opposed to it.

Q. Is the difference fundamental ?

a. Yes.

(Witness Volunteers)

On the occasion of the visit of the Cabinet Mission in 1946, when differences arose between the Congress and the Muslim League in regard to the proposals of the Mission, the Maulana issued a statement which was published in the "Nawa-i-Waqt" to the effect that in the circumstances which had come to exist, Partition was inevitable.

The Maulana once received a letter asking him to explain why, when he was against the establishment of a homeland for the Jews in Palestine, he was supporting the demand for the establishment of Pakistan. The Maulana gave a detailed in his book "Masa'il-o-Masa'il".

at the time of the referendum in the North West Frontier Province, the Maulana addressed a letter to the members of his Jama'at in that Province asking them to vote for Pakistan. He actually said that if he had been entitled to vote on the question, he would himself have voted for Pakistan.

Re-examination :

Q. What was the attitude of Jama'at-i-Ahmediyya towards the Partition of the country ?

A. (Note : The witness bases his opinion on certain writings which he saw. These writings not being on the record, the evidence is inadmissible. The question is, therefore, disallowed.)

B.O. & A.C.

91. M. MINIK.

PRESIDENT.

92. M. B. KAYANI.

MEMBER.

15th October 1953.

Witness No. 66 (Called by Jama'at-i- Islami)

Maulana Abdul Haleem Qasbi, Temple Road, Lahore,

on 8.4.-

Q. Did you attend the meetings of Majlis-i-Amal Punjab, held from July 1953 up to the date of the arrest of the leaders ?

A. Yes. I attended these meetings regularly. I took part in the meetings of the Majlis-i-Amal as representative of Jama'at-ul-Ulema-i-Islam, Punjab. I do not remember the exact dates, but so far as I know, no representative of the Jama'at-i-Islami attended meetings of the Majlis-i-Amal held after 15th July 1953 up to the end of August.

Q. What was the attitude of Jama'at-i-Islami during the meetings of the Majlis-i-Amal ?

A. There were two groups of members of the Majlis-i-Amal. One group was of the view that the demands

Witness No. 66 (Called by Jama'at-i- Islami)

Maulana Abdul Kaleem Qasmi, Temple Road, Lahore,

on S.4.-

Q. Did you attend the meetings of Majlis-i-Amal Punjab, held from July 1953 up to the date of the arrest of the leaders ?

A. Yes. I attended these meetings regularly. I took part in the meetings of the Majlis-i-Amal as representative of Jama'at-ul-Ulema-i-Islam, Punjab. I do not remember the exact dates, but so far as I know, no representative of the Jama'at-i-Islami attended meetings of the Majlis-i-Amal held after 13th July 1953 up to the end of August.

Q. What was the attitude of Jama'at-i-Islami during the meetings of the Majlis-i-Amal ?

A. There were two groups of members of the Majlis-i-Amal. One group was of the view that the demands should be pressed in a constitutional manner and that nothing should be done which might cause lawlessness or disorder. This view was shared by Jama'at-ul-Ulema-i-Islam, Punjab, Jama'at-i-Ahl-i-Hadith, Punjab, Tanzeem-i-Ahl-i-Sunnat-Wal-Jama'at, and Jama'at-i-Islami Pakistan. The other view was

the view of the Jami'at-ul-Mashaikh, Majlis-i-Shura Pakistan and Jami'at-ul-Ulema-i-Pakistan and was to the effect that a vigorous campaign, irrespective of the consequences, should be launched in favour of the movement.

Because the Jama'at-i-Islami was not taking any part in the deliberations of the Majlis-i-Amal in July and August 1952, I was deputed by the Jami'at-ul-Ulema-i-Islam, Punjab, Jami'at-i-Ahl-i-Hadith and Tanzeem-i-Ahl-i-Sunnat wal-Jama'at to go to Maulana Abul Ala Maudoodi with a view to persuading him to instruct the representatives of his Jama'at to take part in the proceedings of the Majlis-i-Amal. Accordingly, I went to the Maulana towards the end of August. I explained to him why I had called on him and the Maulana agreed to nominate two members of his Jama'at to take part in the Majlis-i-Amal. They were Malik Nasrullah Khan Rizvi and Maulana Amin Ahsan Islahi. The participation of the Jama'at-i-Islami was considered necessary to avoid the criticism that the demand was not the unanimous demand of all parties. When I saw Maulana Maudoodi, I told him that the position of the group of the Jami'at-ul-Ulema-i-Islam, Punjab, Jami'at-i-Ahl-i-Hadith and Tanzeem-i-Ahl-i-Sunnat wal-Jama'at would be weakened,

unless the Jama'at Islami sent its representatives to the Majlis-i-Amal. After the representatives of the Jama'at-i-Islami began to take part in the meetings of the Majlis-i-Amal, the Majlis-i-Amal was reorganised and fresh members elected. This new Majlis- consisted of the following :-

Maulana Muhammad Tufail Amritsari and myself as
representing the Jama'at-ul-Ulema-i-Islam,
Punjab ;

Maulana Daud Ghaznavi and Maulana Muhammad Hanif,
as representing Jama'at-i-Ahl-i-Hadith,
Punjab ;

Maulana Abdul Aleem Qasami and Sayyed Nur-ul-Hasan
Shah Bokhari, as representing Tanzeem-i-Ahl-i-
Sunnat-wal-Jama'at ;

Malik Nasarullah Khan Aziz and Maulana Amin Ahsan
Islahi, as representing Jama'at-i-Islami ;

Master Taj-ud-Din Ansari and Sheikh Musam-ul-Din,
as representing Majlis-i-Ahrar, Punjab ;

Sahibzada Faiz-ul-Hasan , as representing Jama'at-ul-
Misnaikh ; and

Maulana Abul Hasanat Muhammad Ahmad and Maulana
Muhammad Bakhsh Muslim, as representing Jama'at-
ul-Ulema-i-Pakistan.

This reorganisation took place in the last week of
August. The ninth point was formulated by Maulana Khurroodi
after this reorganisation.

Q. What was the attitude of the representatives of

Jama'at-i-Islami at the meetings of the reorganised
Majlis-i-Amal ?

- a. The view that the representatives of the Jama'at took was that the question relating to the declaration of the Ahmadis as a minority was a constitutional question and that the entire community of Mussalmans was to concentrate on the constitutional issue.

I also attended the All Pakistan Muslim Parties Convention which had been called in Karachi for 16th to 18th January to consider the question of Khilafat-i-Nabuwat. I took part in that convention as a representative of Jama'at-ul-Ulema-i-Islam, Punjab. The general Committee of the Convention constituted a Subjects Committee on 17th January. I was a member of that Committee, and so was Maulana Maudoodi. The Subjects Committee was appointed to consider the ways and means of obtaining acceptance of the three demands. In this Subjects Committee Maulana Maudoodi reiterated his view that, because the issue was constitutional, only constitutional methods should be adopted to have it settled. The meeting of the Subjects Committee was held on the night of 17th/18th January. This view prevailed at the Subjects Committee and note of it was made by Sayyid Muzaffar Ali Shamsi. The proposal of Maulana

Mauloodi was that, because the committee of Ulema, which was meeting in those very days to consider the proposal of the Basic Principles Committee, had taken seizin of the issue of Khatm-i-Nabuwat, the Convention should formally transfer this question from itself to that body. At the meeting of the Convention, however, which was held on 18th January, this proposal was rejected in disorderly scenes; the delegates of the Convention numbered about 300, some of whom were swayed by religious sentiments. Some of the delegates was about 50. That meeting of the Convention ended by passing a resolution to constitute a Central Majlis-i-Amal of fifteen members. This resolution had been moved by Maulana Mauloodi himself. The Central Majlis-i-Amal was entrusted with the exclusive duty of thinking out and adopting ways and means to obtain the acceptance of the demands. Eight of the members were chosen then and there and the remaining seven were to be co-opted by the eight elected members. As far as I remember no formal meeting of the Central Majlis-i-Amal was held afterwards.

(NOTE:- Witness now remembers and states that Shias were represented at the Majlis-i-Amal, Punjab, by Hafiz Kifayat Husain and Sayyed Muzaffar Ali Shamsi.)

Cross-examination by Mr. Fazal Ilahi, on behalf of
the Punjab Government :-

At the meetings of the Punjab Majlis-i-Amal, Maulana Abul Hasanat used to bring with him persons who were not members of the Majlis. Maulana Akhtar Ali was the Financial Secretary of the Majlis-i-Amal, Punjab, and was in sole charge of its funds.

To Court :-

Q. Why is Akhtar Ali Khan called a Maulana ?

A. Some men of learning are styled Maulana by reason of their learning, others are sarcastically so called. Akhtar Ali Khan belongs to the latter category.

Maulana Abul Hasanat nominated Maulana Ghulam Muhammad Tarannam to represent Anjuman-i-Hizab-ul-Ahnaf. Maulana Ghulam Din also used to attend the meetings of the Majlis, but he was not its member. The same was the case with Maulana Arshad Panahwi. The Majlis-i-Amal also associated Maulana Murtaza Ahmad Khan Maikash and Allama Ala-ul-Din Siddiqi as members of the Majlis-i-Amal. As far as I remember, Maulana Muhammad Zakir did not attend the meetings of the Majlis.

Maulana Akhtar Ali Khan used to jump in his chair restlessly whenever the question of pressing the demands arose at the meeting of the Majlis-i-Amal. He used to describe our party in the Majlis-i-Amal as that of pacifists.

Q. Were there any members of the Majlis-i-Amal who were on friendly terms with high officers of the Government ?

A. As the Government is ours now, some of us were on friendly terms with members of Government.

Like Maulana Maudoodi, Maulana Antisham-ul-Haq was against any unconstitutional methods of pressing the demands but he was present at the Convention which passed the resolution relating to 'Rast Iqdam'. He was also one of the members of the Majlis-i-Amal. Maulana Abdul Haamid Badayuni was enthusiastically in favour of 'Rast Iqdam'.

To Mr. Mazhar Ali Azhar on behalf of the Majlis-i-Ahrar :-

Q. I presume you saw the Azad of 8th August 1952. Is it not stated there that the Jama'at-i-Islami had already nominated two members to the Majlis-i-Amal ?

A. Yes. I see it now. I must be mistaken when I said that I went to Maulana Maudoodi after the end of

August. My visit must have been sometime before the 8th of August.

Q. You have stated that at the suggestion of Maulana Maudoodi it was decided to entrust the question of the declaration of the Ahmadis as a minority to the convention of the Ulema that was meeting in Karachi to consider the recommendations of the Basic Principles Committee. Do I take it that the other two demands were abandoned ?

A. We expected that the other two demands would be automatically settled if the main issue was once settled. The demands were not abandoned but the major issue, as I told you, related to the declaration of the Ahmadis as a non-Muslim minority.

Q. Was a meeting of the Majlis-i-Amal Punjab held in Lahore on 26th January 1953 wherein Master Taj-ud-Din Ansari reported to the Majlis-i-Amal all that had been decided upon in Karachi, namely, the constitution of the Majlis-i-Amal and the passing of the 'East Iqdam' resolution ?

A. I do not recollect it now.

Q. Please look at the "Azad" of 28th January 1953 and say whether the report, Ex.D.S./73, appearing there

is or is not correct ?

A. I am not a regular reader of the "Azad" but I remember that the newspapers had reported the proceedings of some such meeting of the Majlis-i-Amal held in those days. Of course it had come to my notice that a month's notice had been given to the Prime Minister.

Q. Do you know if there was a public meeting held in Lahore on 20th January in which Maulana Maudoodi made a speech and warned the Government that if the demands were not accepted, the bloodshed of Partition days would be repeated ?

A. Yes. The Maulana did make such a speech.

Q. Do you know that the Majlis-i-Amal discussed the question of observing hartal on 16th February ?

A. I know nothing about it.

Q. The hartal was in fact observed. Did you like it or not ?

A. I do not like such things.

Q. Did you issue any statement denouncing the hartal ?

A. I am not fond of making statements.

The eight members of the Majlis-i-Amal nominated

by the Convention on 18th January were all serious-minded and "salaḥ". None of them belonged to the group which was swayed by sentiments.

Q. Did you ever publicly express your view that 'Rast Iqām' was not the proper way of pressing the demands ?

A. I have already told you that I do not publish/state-ment in the "Tasneem" of 3rd March that the supported the demands but that he was not approving of the method.

Q. Did you in any one of your congregational addresses dissociate yourself from the method ?

A. We were waiting for the decision of the Central Majlis-i-Amal.

Q. Was that statement by Maulana Ehtisham-ul-Haq made after the arrests had been made ?

A. Yes.

To Court :

Q. Was Maulana Ehtisham-ul-Haq arrested ?

A. Probably he was not arrested.

To Counsel, contd.-

Q. Were you arrested in connection with this movement ?

A. Yes, on the night of 3rd/4th March at my house in Lahore.

Q. When were you released ?

A. I was not in fact formally arrested. What happened was that I was taken to Civil Lines Police Station, where I was questioned by some police officers, including some officers from the Centre. The interrogation to which I was subjected, related to whether I was or was not in favour of lawlessness and violence. I stated my views and I was brought back to my house, where I resumed my normal activities. I also expressed my views at some public meetings to the effect that people should remain quiet and law-abiding. Subsequently in April 1953 an order was served on me under the Punjab Public Safety Act restraining me from leaving my house without the permission of the police and from making any public speeches or attending my school, Madrasa Arabiya Hanafia, of which I am the honorary manager.

To Court :

Q. What are your educational qualifications ?

A. I received my education at Deoband and Madrasa
Muzahir-ul-Uloom, Saharanpur.

Q. What are your means of livelihood ?

A. I hold ancestral land in the Salt Range.

Q. If the Ahmadis are declared a minority, will
you allow them to preach their religion ?

A. Yes, they will have unrestricted liberty to preach
their religion.

Q. Will you grant the same freedom to other non-Muslim
minorities ?

A. They will also have the fullest liberty to preach
their religion.

Q. Will you allow the Christians and the Jews to cons-
truct new churches and synagogues ?

A. Undoubtedly yes.

Q. Are you also in favour of running the Pakistan
State on the basis of Qur'an and Sunna ?

A. Yes.

Q. What do you say to the view expressed at page 219
of Second Volume of Hedaya that in an Islamic State
Christians and Jews cannot be permitted to build
new places of worship ?

A. Hedaya is merely a book of jurisprudence, and it

is open to one to have different views on the subject, unless the exposition of law in the Hedaya is based either on Qur'an or true Traditions.

Q. What will you do with a person who embraces Ahmadiyyat when Pakistan becomes an Islamic State ?

A. It is for the Government to take decision in the matter.

Q. What are the penalties in Shara to which a man subjects himself by becoming an apostate ?

A. Such a person will be treated as a rebel and will be liable to the punishment of a rebel.

Q. Will you ask him to revert to Islam and If he refuses to do so within three days, kill him ?

A. (Note :- Witness refuses to give a definite answer.)

Q. If a man embraces Christianity in an Islamic State, will the consequences be the same as in the case of a person who embraces Ahmadiyyat ?

A. I can say nothing about it.

Q. Have you read fiqh ?

A. I have, and am teaching the Hedaya.

Q. Are there any rules in Hedaya relating to prisoners of war ?

A. Yes. Such rules are given in detail in that book.

Q. If any such rule conflicts with any international convention, will it stand in the way of Pakistan, as an Islamic State, joining that convention ?

A. No, because the Islamic Law relating to prisoners of war is based on reciprocity and admits of a good deal of relaxation.

Q. And what about the law relating to plunder ?

A. That also can be modified according to the circumstances.

Q. What are your views on tashbeeh and tamsil ?

A. You should ask me a concrete question.

Q. What are your views on lahw-o-la'ib ?

A. The same is my reply to this question.

Q. What are your views about portrait painting ?

A. There is nothing against it if any such painting becomes necessary.

Q. What about photography ?

A. My reply to it is the same as the reply regarding portrait painting.

Q. What about sculpture as an art ?

A. It is prohibited by our religion.

Q. Will you bring playing of cards in lahw-o-la'ib ?

A. Yes, it will amount to Labw-o-la'b.

Q. What about music and dancing ?

A. It is all forbidden by our religion.

Q. What about drama and acting ?

A. It all depends on what kind of acting you

mean. If it involves immodesty and

intermixture of sexes, the Islamic law

is against it.

Q. If the State is founded on your ideals,

will you make a law stopping portrait

painting, photographing of human beings,

sculpture, playing of cards, music,

dancing, acting and all cinemas and

theatres ?

A. Keeping in view the present form of these

activities, my answer is in the
affirmative.

H. O. & A. C.

Sd. M. MUNIR,
PRESIDENT.

Sd. M. R. KAYANI.
MEMBER.

15th October, 1953.

Witness No. 67. (Called by Majlis-i-Ahrar).

Mahr Muhammad Hayat Khan, Deputy Superintendent of Central Jail, Lahore, on solemn affirmation :-

Five prisoners were committed to the Bomb-Case-Ward of our jail on 16th March. They said that they were Ahmadis. They were brought to the Central Jail from the Borstal Jail. That had all been committed under a warrant. I do not know whether they were concerned in the same case or whether there were different cases against them. Their names were, Sheikh Basir Ahmad, Mahmud Hasan, Muzawar Ahmad, Ijaz-ul-Haq and Rasnid Ahmad.

To Court :

The warrants under which they were committed had been issued by the Martial Law authorities.

Examination-in-chief (continued) :-

They were all released on 26th March under a warrant issued by the Martial Law authorities. The military officer, who came to take them, had stated

that they had been acquitted but that they had to accompany him. I do not know the name of that military officer.

Cross-examination by Mr. Yagub Ali Khan

on behalf of Mr. Daultana :-

Maulana Akhtar Ali Khan was also in the Central Jail in the beginning of March. He had been ordered to be detained under the Punjab Public Safety Act. Within a week or two weeks of his being brought to the Central Jail he was taken out under legal warrants by some military officers. As far as I remember he was taken out of jail by the military on two occasions. On the previous occasion the Maulana was kept out of jail for two or three days. I am not sure how long he was kept out of the jail on the second occasion. He was certainly kept out of jail for a day or so.

Cross-examination by Maulana Daud Ghaznavi:-

Prisoners brought to the jail are brought under warrants which are entered in our registers.

Q. Please state the sections of the law under which the five prisoners, who described themselves as Ahmadis, had been committed to jail ?

A. My register states that they were committed to jail under the authority of the Commander of D Sector for certain offences, which are not specified, alleged to have been committed under Martial Law Regulations.

Cross-examination by other parties : Nil.

R.O. & A.C.

Sd. M. MONIR.
PRESIDENT.

Sd. M. R. KAYANI.
MEMBER.

19th October 1953.

ORDER .

adjourned till tomorrow, when the Court
will re-assemble at 9-00 a.m. in the Deputy
Commissioner's Court Room at Sialkot.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. R. KAYANI.
MEMBER.

19th October 1953.

20th October 1953.

38th Sitting.

Camp Sialkot.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice. President.

Hon'ble Mr. Justice M.A. Kayani, Member.

Mr. Ijaz Ali, on behalf of the Punjab
Government.

Mr. Asadullah Khan assisted by Mr. Ghulam
Murtaza Advocate, for Sadr Anjuman
Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-
i-Ahrar.

Mr. Yaqoob Ali Khan, Advocate, for Mian
Muntes Muhammad Khan Daultaga.

Mr. Ghulam Sarwar Khan Pirzada, Advocate,
for Majlis-i-Amal.

WITNESS NO. 68 (Called by Court)

Malik Aftab Ahmad son of Malik Bahmat Ali,
occupation Zamindari, resident of Rangpura, on S.A.-

On 14th March, a batch of 175 volunteers marched
from the city to the District Courts to offer themselves
for arrest. They were all arrested by the police in the
presence of some Magistrates. After the arrest they

were shut in the havalat. Out of the arrest men, two, namely, Maulvi Sayyed Ahmad Hussain and another person, whose name I do not remember, were taken out and beaten by the police.

Q. Do you know the names of the police officers ?

A. No.

Q. And the names of the Magistrates ?

A. No.

Q. How did you happen to be there ?

A. I was one of the spectators.

I live in rangpura and had come to witness the arrests. With the exception of two men, who were beaten, the others were taken to the Qila. I did not accompany the arrested men. Nor did I see what happened in the Qila. I knew Maulvi Sayyed Ahmad Hussain before.

Q. Where is he now ?

A. He is no longer in prison. I do not know when he was released.

Q. Who is this Maulvi Sayyed Ahmad Hussain ?

A. He used to make speeches and I know nothing else about him. I do not belong to the Ahrar party.

At the suggestion of Mr. Ijaz Ali :-

Q. Did you ever belong to the Ahrar Party ?

A. No.

Q. Were you convicted in connection with the Ahrar agitation in 1932 ?

A. In 1932, I was only seven years old and could not possible have been convicted.

Q. Is there any case pending against you ?

A. Yes. I belong to the Jinnah Awami League. Originally I was a member of the Muslim League. I left the League during the last elections.

Q. I am at present being prosecuted in a case under section 395 and 307 P.P.C. The allegation made against me by one Qureshi is that I took part in the loot during the disturbances and burnt some property. That case is pending in the Court of the Additional District Magistrate. The incident for which I am being prosecuted is said to have occurred on 3rd March ?

Q. What are your means of livelihood ?

A. I own 30/40 ghumaons of agricultural land just outside the city.

Cross-examination by all other parties :- Nil.

E.O. & A.C.

21. M. MUNIR.
PRESIDENT.

22. M. R. KAYANI.
MEMBER.

20th October 1953.

WITNESS NO. 62 (Called by Court)

Malik Muhammad Zamir, son of Malik Muhammad Saeed, Kakazai, resident of Rangpura, occupation firewood seller, on S.A.-

There was a public meeting at Ramtalai at the morning of 28th February.

On the following day, a batch of volunteers had to leave for Karachi. Accordingly, at about 8-30 on the morning of 1st March, I went to Jamia Shahabia. The Jamia Shahabia was full of people. Maulvi Muhammad Yusuf was also there. Maulvi Muhammad Yusuf is a Khatib of a Mosque in Tehsil Bazar, which is about half a mile distant from Jamia Shahabia. Some speeches were made in Jamia Shahabia to the effect that a batch of volunteers would leave for Karachi on that day. At about 10 or 10-15, a procession left from the Jamia Shahabia, led by Maulvi Muhammad Ali Kandhalvi. It paraded the streets and at about 12-30 p.m. reached the Railway Station. Mr. Ghulam Sarwar Khan, the Deputy Commissioner, met the procession near the Railway station and received it. He also shook hands with Maulvi Muhammad Yusuf, who was in the procession, and other volunteers. The train left and we returned to our houses.

The same evening, a public meeting was held at Ramtalai which was addressed by Maulvi Muhammad Ali Kandhalvi. Maulvi Muhammad Ali Kandhalvi made a speech at that meeting, praising the people for their behaviour in not becoming disorderly and having given a peaceful send-off to the volunteers. He said that another batch would leave on 3rd March.

When I came out of my house on 3rd March, I saw some tanks on a road in Rangpura. Zahur Ilahi was then with me. When we reached near Police Station Rangpura, we met A.S.I. Sana Ullah. He stopped us from proceeding further. I proceeded further, while Zahur Ilahi was stopped. He was beating people and stopping them from proceeding in the direction of Jamia Shahabia. I was near the Cantonment Post Office when I heard a noise that there had been a firing in Jamia Shahabia. When I returned to the Jinnah Bagh, I found a deadbody surrounded by a large mob of people. After the funeral prayer for the dead man was over allama Yaqub made a speech. He denounced the firing in Jamia Shahabia and said that Government had fired on their own peaceful people. He was showing his cuts to the people and saying that he had received injuries there. I was at a distance and did not myself notice any injuries. He said that, after the firing, the Deputy Commissioner had got the Government motor vehicles burnt to provide a defence against unjustified firing. He said that the policeman who had set the vehicles on fire was a foot constable bearing No. 722. After the funeral prayers I returned to my house.

Q. Where is Maulana Muhammad Ali Kandhalvi now ?

A. He is in jail.

Q. When was he arrested ?

A. He was arrested during the disturbances and was released after some days. He has again been arrested.

Q. Why was he arrested again ?

A. He was arrested on the ground that he had made another speech on Khatm-i-Nabuwat.

Probably he was arrested the second time in July last.

I was at the railway platform when the train left with volunteers on the 1st March.

Q. In what direction did the train leave ?

A. Towards Narowal.

Q. Did the other people also get into the train ?

A. No one from among the public got into the train ? to accompany the volunteers up to Narowal.

The train left almost right time, being only late for five minutes. The train left at about 1 o'clock. No damage was caused to the train by the volunteers or by members of the public.

Q. Did you hear that a large number of unruly men had got into the train to travel up to Narowal and on their return journey stopped trains, looted station vendors and damaged sugar-cane crops along the railway line ?

A. Yes. I did hear some such thing. I also heard that some people joined the volunteers when the train reached Pasrur.

Q. Who is this Maulvi Muhammad Yusuf ?

A. He is President of Maulvis of Sialkot.

He belongs to Sialkot.

Q. Who is Maulana Muhammad Ali Kabihaivi ?

A. Maulana Muhammad Ali belongs to some other place and came to Sialkot long before the establishment of Pakistan.

Q. When was Maulvi Muhammad Yusuf arrested ?

A. He was not arrested here. He had gone to Lahore and is still out of jail.

On 13th March I was arrested by A.S.I. Abdul Ahad.

He took me to the Fort and shut me up there. I remained shut up there for about ten days. About four days after the Deputy Commissioner came to the Fort and inquired from A.S.I. Saeed Shah whether I had been properly treated. He replied in the negative but then he immediately handcuffed me and brought me out of my cell. He took me to the barracks where I was laid prostrate and beaten in the presence of the Deputy Commissioner himself. After this I was made to rise and the Deputy Commissioner asked me what had happened to my Khatm-i-Nabuwat.

Q. What part had you taken in the Khatm-i-Nabuwat movement ?

A. None.

Q. Can you say why the Deputy Commissioner had you beaten ?

A. Because I had been accompanying processions.

To Mr. Ijaz Ali :-

I was prosecuted under section 24 of the Punjab Public Safety Act but was acquitted. It is entirely untrue that I tendered any oral apology or signed any document to that effect.

To Court :

Q. are you literate ?

A. I have read up to the seventh class.

Q. It is being alleged by the cross-examiner that you signed a written apology and that it was for this reason that you were discharged from the case.

Remember you are giving evidence on solemn affirmation and if any part of your statement be found to be false, you will be liable to prosecution for perjury. Say now whether you did or did not sign any apology ?

A. It is absolutely incorrect that I signed any apology.

Exn. by Mr. Ijaz Ali resumed :-

When I gave my pledge for Tahaffuz-i-Khatm-i-Nabuwwat, I did not sign any document either in ink or blood; all that I did was to signify my approval by raising my hand.

To Court :

I joined the Tahaffuz-i-Khatm-i-Nabuwwat Movement in July 1952. I attended several meetings in this connection. The letter that I wrote to the Court of Inquiry was written by Malik Aftab Ahmad but it bears my signature. This letter as well as Malik Aftab Ahmad's letter were written on the same day.

Q. Are you related to Malik Aftab Ahmad ?

A. We are distantly related to each other.

A.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

20th October 1953.

WITNESS NO. 70 (Called by Court) :

Shaikh Muhammad Hussain son of Sh. Abdur Rahim, occupation business (soap manufactory), resident of Rangpura, Sialkot, on solemn affirmation :-

(Gives the same evidence as Malik Muhammad Zamir Witness No. 69, regarding the procession from Dar-ul-Shahabia to the Railway Station on 1st March, its reception by the Deputy Commissioner, and the public meeting at Ram Talai on 2nd March, except that, when questioned whether the Deputy Commissioner shook hands

with Maulvi Muhammad Yusaf, the leader of the rizakars and the rizakars themselves, he stated that he did not see anything of that kind. He, however, said that the Deputy Commissioner's treatment of the rizakars was quite cordial.

Maulvi Muhammad Ali Kandhalvi, the leader of the procession, was throughout advising the mob to remain calm and peaceful because he said it was their motto to remain peaceful. It was announced at the public meeting in Ram Talai that the second batch of volunteers would leave Dar-ul-Shahabia on the following day at 11 o'clock. When I set out for the Dar-ul-Shahabia on 3rd March, I found some military and military tanks patrolling in the town. I was surprised at this because nothing had happened necessitating the calling in of the military. I met Malik Muhammad Iqbal and questioned him why there was military in the town. He told me that the Deputy Commissioner had decided on 2nd March that if the movement of Tanafuz-i-Khatm-i-Nabuwat was not stopped, he would call in the army. The change in the Deputy Commissioner's attitude was, as I have heard, due to the fact that he was compelled by the Muslim League, particularly Khwaja Safdar Ali, to stop the movement. I found the way

to the Dar-ul-Shahabia stopped by Saneullah, Sub-Inspector I could not reach Dar-ul-Shahabia and, therefore, returned to my shop. I saw the shops shut up because on the preceding night Maulvi Muhammad Ali Kandhalvi and other leaders of the movement had been arrested. From my shop I found my way to the Dar-ul-Shahabia through the back door. Shortly afterwards I saw the police entering the building of Dar-ul-Shahabia. There was a large crowd in the Dar-ul-Shahabia. The police made a latni-charge on the crowd that was in the building. I returned to my house. At my house I heard some gunfire and leaving some money that I had on my person I returned to Dar-ul-Shahabia. I found there that some lorries had been burnt. Small batches of people were standing there. I came to know there that one man was killed in the firing and some others injured. I was also told that the motor vehicles had been set on fire by the police. At the funeral prayers of the man who had been shot, Maulvi Muhammad Yaqoob alleged that a foot constable bearing number 722 had set the motor vehicles on fire.

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On 4th a procession was taken out from our mohalla as a protest to the killing of a man who had been shot

dead on the preceding day. The procession was peaceful. The crowd was shouting "zulam" and "hai hai". The procession started from Masjid Nur Husain. I went to that mosque at about 10 or 10-30 a.m. some people offered themselves for arrest but the police made no arrest. The Punjab Constabulary fired at the mob there and two men were killed.

as a protest to this women came out in a procession. When this procession reached near the mosque, the police fired at it killing a youth of sixteen or seventeen and injuring several other boys. The procession of women consisted of about 3000 women and forty or fifty boys.

Q. Was any military present at this stage ?

A. Yes.

Q. Was there a military officer present at that time ?

A. Yes.

Q. Was he Colonel Khushi Muhammad ?

A. I do not know.

Q. Was the Commissioner present when the police fired near Masjid Nur Husain ?

A. Yes. I did not see the Commissioner on the scene but I heard that he was sitting in the Tahsil.

Q. Was the District Magistrate present ?

A. I heard he was also in the Tahsil.

Q. It is stated that the firing on this occasion was not by the Punjab Constabulary but by the Military. Is this allegation correct ?

A. I did not see the military fire at all.

Q. Did you see Khalil-ur-Rahman, a.S.P. there ?

A. I do not know him.

Q. Was a police officer injured on that occasion ?

A. I did not see any police officer there.

Q. Was a Police van damaged on that occasion ?

A. No.

Q. Who fired at the procession of women ?

A. The Punjab Constabulary.

Q. It is stated that here again it was the military who fired and not the Punjab Constabulary. Is this allegation correct ?

A. I did not see the military fire even on this occasion. It was Constabulary that was firing.

Q. It is stated that Brigadier A. K. Khalid opened fired on this occasion and that four persons were killed and ten wounded. Is this allegation

correct ?

A. I repeat that I did not see the military fire at all. It was the Constabulary that was firing from the roofs of houses.

Q. Did you see any barrier having been constructed by the military across the bazar by drawing a rope ?

A. Yes. I did see this.

Q. Is it true that on one side of this barrier some men began to dance with swords and knives ?

A. No. I did not see any dance.

Funeral prayers were offered for four men at about 4 o'clock in the afternoon and after this I returned to my house.

I was arrested on 8th March together with certain other person, for having contravened an order under section 144 Cr. P.C. We were taken to the Fort. From the Fort we were taken to the jail. Nine days after that the Deputy Commissioner came to the jail. He had armed police with him. The city Magistrate also was accompanying him. In the jail I had been shut up in a cell. The Deputy Commissioner came to that cell and

inquired from me my name and other particulars. Next to my cell was a Madli. When the Deputy Commissioner reached that cell I heard the sound of cries as if some one was being beaten. The D.C. then returned to my cell and began to utter filthy abuses at me. He then ordered the police to beat me.

Q. Was any officer of the Jail present at that time near the Deputy Commissioner ?

A. There was a Chhota Darogha with him, called Raja Sahib. I was pulled by my hair and laid on the ground. I was beaten with shoes, sticks, leather belts and nailed ~~chappis~~ chappis. The Deputy Commissioner then himself kicked me on the mouth and I began to bleed.

Q. Can you say why the Deputy Commissioner had you beaten ?

A. He beat me because I belong to Rangpura.

Q. Did Rangpura misbehave ?

A. No, I cannot say.

The Deputy Commissioner then left me and went to Fida Hussain who was also subjected to a similar treatment. The City Magistrate visited the prison some days later and enquired from the prisoners, if ther any ~~patekhan~~ patekhan

among them, he should stand up. I did not stand up and was, therefore, released.

Four or five days after I was released I left for Peshawar where I was medically treated by Dr. Fazal-i-Karim.

Cross-examination by Mr. Ijaz Ali, on behalf of Punjab Government.

I was not a member of the procession, but had gone ahead on a cycle to Masjid Nur Husain on 4th March.

Q. Where were you when the police fired ?

A. I was on the roof of Masjid Nur Husain.

It may be that there were twenty thousand people present then. The first firing took place at about 10 o'clock and the second some time before noon.

I do not know whether any 24-hour curfew had been imposed at 1 o'clock on the afternoon of 3rd March.

Q. Is it not true that the Deputy Commissioner first ordered the procession to disperse but it refused to comply with the order and on the contrary started throwing brickbats on the officers present ?

A. Prior to this, there was a lathi-charge which had infuriated people and the stone-throwing was the result of indignation over the lathi-charge.

Cross-examination by other parties : Nil.

B.O. & A.C.

SI. M. MUNIR.
PRESIDENT.

SI. M. R. KAFANI.
MEMBER.

20th October 1968.

WITNESS NO. 71 (Called by Court) :

Muhammad Akram, son of Muhammad Abdullah, occupation private service, Sialkot City, on 8.4 :-

(witness deposes to the marching of the procession to the Railway Station on 1st March and to the appeal by Maulvi Muhammad Yusuf asking people to remain peaceful. The witness, however, states that processionists had organised a mock-funeral of Khawaja Nazim-ud-Din by making a man lie flat on a charpoy and carrying that charpoy on shoulders; people were also shouting Khawaja Nazim-ud-Din murdabad.)

On the 4th March I was on my way to Masjid Nur Hussain. In a Chowk near the mosque I saw the Deputy Commissioner and some policemen standing. They were preventing people from proceeding to the mosque. Some people were standing in that Chowk and were shouting "Deputy Commissioner murdabad" and the "Punjab Police murdabad". The Deputy Commissioner asked the police to lathi-charge the crowd. While the lathi-charge was in progress, some people threw bricks at the officers, including the Deputy Commissioner. The people, who threw stones, were to the south of the Chowk. After this shower of brickbats, the Deputy Commissioner and the policemen retreated and the Deputy Commissioner ordered firing. I entered the mosque, while the firing continued outside it. After the firing stopped, I came out and returned to my house. On the way I met a procession of women. Again there was firing, but I do not know who ordered in firing. In the second firing perhaps one person was wounded.

Q. Did you see a ny military on the occasion of the first firing ?

A. I cannot distinguish military from the police.

(The witness states again that on the occasion of the first firing there was no military, but on the second firing there was some military, but he is unable to say whether it was they who fired or ordered the firing.)

There were some men in front of the procession of the women.

Q. Were there boys also ?

A. Yes.

Q. Was any woman wounded ?

A. Some women did receive injuries, but they were removed from the scene.

Cross-examination by all parties : Nil.

R.O. & A.C.

Sd. M. MUNIA.

PRESIDENT.

Sd. M. B. KAYANI.

MEMBER.

20th October 1963.

WITNESS NO. 72 (Called by Court)

Nasir Ahmad, son of Imam Din, Shop-keeper, Chowk

Imam Sahib, Sialkot City, on S.A :-

On 12th March I was sitting at my shop in Chowk Imam Sahib, a policeman came and told me that I was wanted by

the Thanadar. I went to Police Post 'B' Division. I saw a lorry standing in front of the Division. I was asked by the Thanedar to sit in the lorry. I was driven to the jail. Ten or twelve days after this the Deputy Commissioner visited the jail. We were about 130 persons connected with the disturbances here confined in the 6th barrack. About ten or twelve including myself were singled out and made to sit in a line along the wall of the jail. The Deputy Commissioner went inside the barrack and came out about an hour later. The Deputy Commissioner then asked some wardens who were accompanying me to clean us up (saf karo). We were very severely beaten by those wardens in the presence of the Deputy Commissioner. The Deputy Commissioner was accompanied by the Chhota Darogha.

Q. Can you say why you were beaten ?

A. No.

I cannot give the exact date on which we were beaten.

Q. Did you ever take any part in any procession ?

A. No, but I did attend some public meetings.

H.O. & A.C.

Sd. M. MENIR.

PRESIDENT.

Sd. M. R. KAYANI.

MEMBER.

20th October 1953.

WITNESS NO. 73 (Called by Court) :

Muhammad Sadiq Shah son of Mahmood
Shah, Syed, 60 years, resident of Sialkot,
on solemn affirmation :-

I am a B.A., S.A.V. I am also a
Tabib but I do not charge fees. I worked
as a teacher in the Islamia School, Sialkot,
for 33 years and retired about five years
ago.

I claim myself to be a divine
ambassador. I have been deputed by Allah
and our Holy Prophet for the whole of
Pakistan. My mission is to serve Pakistan
and to declare that it is the only beloved
kingdom of Allah. My spirit descended on
Munara-tul-Masih in Sialkot in 1946.

Q. Have you ever been a follower of
the ahmadiyya creed ?

A. No. On the contrary my mission is
to abrogate the ahmadiyya creed.

Q. Did you send a letter to this Court ?

A. Yes, I sent three letters.

Q. Are you the Masih-i-Maood.

A. I am the true Masih -i-Maood.

Q. Are you also the Mehdi of the Time ?

A. Yes.

Q. When is the Qiyamat to come ?

A. It is just the beginning of the world
and Qiyyamat is far off.

Q. Do you know anything about the disturbances because that is the only
matter in which we are interested ?

A. Yes. I consider the Ahmadis primarily
responsible for the disturbances.

I consider that all sectarianism

must stop in Pakistan and profession
of sects must be declared unlawful.

XXn. Nil.

B.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

Sd. M. B. KAYANI.

MEMBER.

20th October, 1953.

WITNESS NO. 73 (recalled) :

Muhammad sadiq Shah son of Mahmood

Shah, Syed, 60 years, resident of Sialkot,

on solemn affirmation :-

Q. Please define a Momin ?

A. A Momin is he who believes in the
Holy Prophet and strives to create
conditions of aman for the poor.

Q. What are the essentials of iman ?

A. To believe in Allah and his Prophet.

Q. What about belief in all the Prophets,
the Books, the angels and the Day of
Judgment ?

A. These are also the essentials of
iman.

Q. Who is a Muslim ?

A. Any person who believes in the laws
of nature and acts accordingly.

R. O. & A. C.

Dr. K. MUNIR.

PRESIDENT.

Dr. M. R. KAYANI.

MEMBER.

23rd October 1953.

WITNESS NO. 74 (Called by Court) :

Mst. Musarrat Sabira daughter of Chiragh Shah,
40 years, resident of Sialkot, on solemn affirmation :-

I am the divorced wife of Allah Bakha. I have
three daughters. My house is in Mohalla Hajipura,
During the disturbances I was suspected of having taken
part in the movement. I was taken to the Fort where
I was made naked and beaten by Sub-Inspector Saeed
Shah. I was a member of the womens' procession,
I was arrested on that very day. The Munshi of the
Fort named Mubarik Ali was an Ahmadi. It was at the
instance of that Munshi that Sub-Inspector Saeed Shah
had me beaten. After I had been beaten, I was
released and returned to my house. On the following
night I was, however, again arrested and taken to
the Police Post Bohrwali. There were some Ahmadi
Policemen there. They beat me with the butt-ends
of their rifles. From the Chauki I was taken to the
jail. On the following day the Deputy Commissioner
and Khali, a Magistrate, visited the jail. They
caught me by the pigtail and swung me round.

Q. Can you say why they did this ?

A. Because the Ahmadis had complained that I was inciting people against them.

A case had been registered against me for having spread hatred against the Government servants. I was convicted in that case and sentenced to two years' imprisonment. On appeal the Sessions Judge reduced the sentence to a fine of Rs. 200/-.

Q. are you literate ?

A. No.

When I appeared before the Magistrate, the Court Inspector who was a stout man kicked me from behind. He struck me so hard that I fell on the ground and became unconscious. Mr. Mahmud Khalid, Magistrate, saw all this. I was given some water and that regained consciousness.

Cross-examination by Mr. Ijaz Ali on behalf of

the Punjab Government :

Q. Have you come from jail now ?

A. Yes.

Q. Why are you being confined in jail ?

A. I am being proceeded against under
section 107 at the instance of my husband,
Allah Rakha, and my daughter, Mst.
Naziran.

Q. Have you ever been convicted before ?

A. No.

Q. Were you required to give security
for good behaviour some 12 years
ago.

A. No.

I was never prosecuted for theft.

Cross-examination by Mr. Asadullah Khan,
on behalf of Sadr Anjuman Ahmediyya, Rabwah :-

Q. What are the names of the Ahmadi
who instigated the assault on you ?

A. I have already mentioned, Mubarik
Ali, his brother Latif, who were
probably both in the Fort, and
Bala, who perhaps is a policeman
he wears a uniform. All these three
men are residents of my own
Mohalla. I have no dispute with
them of any sort.

Q. I put it to you that neither of these
three men is an Ahmadi.

are you prepared to swear to the

contrary ?

A. I know that each of these three men

is an Ahmedi.

Cross-Examination by other parties : Nil.

R.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

20th October, 1953.

WITNESS NO. 75 (Called by Court)

Hakim Muhammad Ishaque, Asiddiq.

Siddiq-i-Sani, Wazirabad, on S.A 1-

Q. Are you Khalifa-tur-Rasool-Lillah ?

A. Yes.

Q. And Mamoor-min-Allah ?

A. Yes.

Q. Are you also siddiq-i-Sani ?

A. Yes.

Q. What are you ?

A. I am a tabib by profession.

Q. What is your qualification ?

A. I am a Matriculate.

Q. When did you become Khalifa-tur-

Rasool-Lillah ?

A. In 1947.

Q. Why do you claim to be a Khalifa-tur-

Rasool-Lillah ?

A. Because of a Kashaf.

Q. What happened ?

4. I was half-awake when I discovered myself beyond all time and space. In that state I saw our Holy Prophet, who extended his hand which touched my breast and it became illumined.

Q. Do you know that we are making an inquiry into the causes of the Punjab disturbances. Can you give us any guidance or assistance in that direction ?

A. My belief is that every period of falsehood and darkness is succeeded by truth and light. In the present case, the period of darkness ended in 1947, when I was appointed. The disturbances were the result of the previous period of falsehood.

I submitted a written statement to this Court on 4th September 1953. I have seen that statement. It is correct and bears my signature. The present period is an intervening period between darkness and falsehood and truth and light. Its duration is 8½ years and, having begun in 1947, it will end in 1955.

Cross-examination of all parties - Nil.
R.O.&A.C. Sd. M.R.Kayani, Member.

Sd. M. Mir. PRESIDENT.

20th October 1953.

Maulana Muhammad Ali Kandhalvi on solemn affirmation :-

Ex.D.A. 91 is the written statement which I am submitting to the Court of Inquiry.

I have been in Sialkot since November 1931.

Q. Where were you before that ?

A. I was in Delhi. I was a teacher there at the Fatehpuri School.

Q. What were you teaching ?

A. Fann-i-Balaghah wa maani (Rhetoric)

Q. What school was that ?

A. It was an Arabic School.

Q. Was it affiliated to the University ?

A. Yes. We used to prepare students for Munshi Alam and Munshi Fazil, both of which were University examinations.

I was first educated at Deoband. Then I took my Munshi Fazil and Maulvi Fazil from the Punjab University.

At the time of the disturbances I was a teacher at Dar-ul-Shahabia which trains students for Maulvi Fazal and Maulvi Alam. I am myself the manager of that school.

Q. Do you know anything of what happened on 1st March 1953 when a batch of volunteers left for Karachi by train?

A. The volunteers set out from Rangpura Road and marched to the railway station. I was with them. Maulana Muhammad Yusaf was the leader of the Rizakars. I was leading the procession.

Q. Did anything unexpected happen?

A. No. On the contrary I was congratulated on the processionists remaining peaceful.

Q. Were the processionists taking a mock-funeral of Khwaja Nazim-ud-Din and carrying his supposed body on a charpoy?

A. I was in that procession and what is being alleged is absolutely untrue.

Q. Did Khwaja Muhammad Qasim meet you 2nd March?

A. No. I did not see him at all after the 1st.

The Rizakars left by the train that was to go to Narowal. It left the railway station at about 1-30 p.m.

Q. It is being suggested that the train was considerably delayed and that there were disorderly scenes on the railway station.

Is it correct ?

A. I know nothing about it.

Q. Do you know if any people got into the train and alighted at Narowal ?

A. I do not know any thing about it.

Q. Did anyone mention to you that some people had got into the train, alighted at Narowal and on their return journey stopped the train in several places, robbed the hawkers of railway stations and destroyed sugarcane in the fields along the railway line ?

A. No such thing was ever mentioned to me.

Q. It has been stated by Khwaja Muhammed Saffar in his evidence before the Court that all this took place, that he mentioned these incidents to you and that you said you were sorry for what had happened. Is it correct ?

A. No. The suggestion is entirely untrue. There was no such talk between me and Khwaja Muhammed Saffar.

Q. Where were you on the 4th March ?

A. I was arrested on the night of 2nd and 3rd March 1953.

Q. Did you make any public speech on the 2nd March ?

A. Yes. I addressed a public meeting in Ram Talai on the night of 2nd March.

Q. Who else were the speakers ?

A. Maulana Muhammad Husain, Maulana Habib Ahmad and Allama Khalid Mahmood who is a professor at the Murray College, Sialkot, were also among the speakers.

Q. When were you released ?

A. On 3rd June 1953.

Q. When were you again arrested ?

A. I was again arrested on 9th August 1953.

Q. Do you have any political affiliations ?

A. I was a member of the Jamiat-ul-Ulema-i-Hind and of Majlis-i-Ahrar but since 1935 I have had nothing to do with any political party.

Q. Do you know the present ideology of Jamiat-ul-Ulema-i-Hind ?

A. Yes.

Q. Do you agree with that ideology ?

A. No.

Q. Do you know what is the present ideology of
Ulema-i-Hind ?

A. I do not know.

Q. Do you have any differences with them now is
your ideology ?

A. I have told you I do not know the ideology of
Ulema-i-Hind.

Q. Were you ever in favour of nationalism and a
state founded on wataniyyat ?

A. Yes. I was in favour of that ideology up to
1932.

Q. Up to 1932, did you believe that the Jami'at-ul-
Ulema-i-Hind were having a correct religious
ideology ?

A. Yes.

Q. Was that ideology founded on the principle that
there should be only one nation in India
consisting of different committees including
the Muslims ?

A. Yes. That was their ideology.

Q. If it is put to you that this is still their
ideology, will you deny it ?

A. No, I will not. In fact their ideology is the same as it was before 1932.

Q. Is it true that a Musalman, throughout his life, is pitted against kuffar ?

A. Yes.

Q. Will you say in what banner you were pitted against kuffar when you belonged to the Ahrar and to the Jami'at-ul-Ulema-i-Hind ?

A. I used to make speeches against non-Muslims, but I did not publish any book.

Q. When did you adopt your present ideology ?

A. The demands against the Ahmadis were adopted by us when the All Parties Muslim Convention was held in Lahore in July.

I consider a person, who renounces Islam, as a murtadd. A person, who being a Muslim, embraces Christianity, will be a murtadd.

Q. According to you what is the punishment for a murtadd ?

A. The punishment for a murtadd is death.

I cannot suppose that a person can be honest and at the same time not be a Musalman.

Q. Do you think that every one else in the world, who is not a Muslim, is dishonest ?

A. It is quite possible that people, who are not Muslims, do not honestly believe in Islam, but I consider it absolutely impossible that a man should have been born as a Muslim and then after studying his religion and that of others should renounce Islam and embrace another religion honestly. Khاتم-i-Nabuwwat is an article of faith with me.

Q. Have you ever studied the philosophy of Khاتم-i-Nabuwwat ?

A. Yes. Maulana Mohammed Qasim Nanautvi has written a book on the subject.

Q. Is it a book of philosophy or of metaphysics or theology ?

A. It contains a rational exposition of the doctrine of Khاتم-i-Nabuwwat.

Shah Wali Ullah Shah has also written something about it.

Q. Does Shah Wali Ullah believe that some verses of Qur'an had been repealed ?

A. Yes. He is of the view that five verses of

Qur'an had been abrogated.

Q. Do you think that this opinion of his is honest?

A. Yes.

Q. Do you agree with it ?

A. Yes.

Q. Which schools in Islam which do not believe in the abrogation of any part of the Qur'an ?

A. I do not know if any such school exists. Nor are there any Ulama who differ on this point from Shah Wali Ullah.

Q. If the Court puts it to you that Shah Wali Ullah and a few others hold this view, will you deny it ?

A. Certainly.

Q. What do you think of the religious views of the Quaid-i-Azam ?

A. I know nothing about them.

Q. Do you know that the Quaid-i-Azam was the founder of Pakistan ?

A. Yes.

Q. Did you taken the trouble of reading the Quaid-i-Azam's speech to the first Session of the Constituent Assembly on the 11th August, 1947.

A. No.

Q. Were your demands in respect of the ahmadi^s based on religion, or politics or on both ?

A. The demands were purely religious.

Q. What will be your view about the Quaid-i-Azam, if it be proved that in the speech aforesaid he said that in Pakistan hereafter there will be but one nation, consisting of different communities and that religion will be a private affair of the individual ?

A. I will take him to be misguided in his religion.

Q. Do you know if any one among the Ulama of Pakistan objected to this view of the Quaid-i-Azam during his life time ?

A. I do not know of any opposition by any religious party to that view.

Q. Then how is it that, after his death, you have raised this question and given to it fundamental importance ? Were you not, during the lifetime

of the Quaid-i-Azam, aware of this view ?

A. I was not aware of that speech.

Q. Do you know Maulana Shabbir Ahmad Usmani ?

A. Yes.

Q. Was he a member of the Constituent Assembly since the establishment of Pakistan ?

A. Yes. He may have heard the speech if he was present.

Q. Can you cite any instance from Islamic history where a state was run on the principles you are advocating for the Government of Pakistan ?

A. Khilafat-i-Rasalia is such a period. Another period is that of Umar Bin Abdul Aziz.

Q. How long did these Khilafats last ?

A. The Khilafat-i-Rasalia lasted for 30 years while the Khilafat of Umar Bin Abdul Aziz lasted for 21 years.

Q. What was the interval between the Caliphates of Hazrat Ali and Umar Bin Abdul Aziz ?

A. I do not know.

Q. If it is put to you that the only difference between the Omayyads and the Abbaside Caliphs and Umar Bin Abdul Aziz was that the latter was

an embodiment of piety and that there was no difference in the form of government, what will you say to that ?

A. There was difference in the two systems of Government,

In the first places Umar Bin Abdul Aziz, when elected Caliph, went to the mosque and said that he held the Caliphate as a trust from his people.

It is true that Umar Bin Abdul Aziz was not elected but had been nominated by his predecessor just as Yazid was by Muavia.

If Yazid had been elected by the people, he would, in my view, have been the rightful Caliph despite his character.

Q. If on Muavia's death and after Yazid had captured the Caliphate, the majority of the people, not all of them had rendered 'baiat' to him, would you still regard him as the rightful Caliph ?

A. Yes.

Q. Is it not true that throughout the history of Islam, the Ulema have in Pakistan for the first time demanded a form of Government which lasted only for about 33 years ?

A. No Hazrat Mijaddad Sarhadi also advocated this form of Government.

Q. Where will we find this view ?

A. This will be found in the last volume of his "muktubat".

Q. Do you agree with the ideology of Ibn-i-Taimiya ?

A. Yes.

Q. And Muhammad Bin Abdul Wahab ?

A. I agree with him, particularly with his emphasis on "tauhid".

The followers of Muhammad Bin Abdul Wahab are called "Mowahhids".

Q. Do you agree with the conception of "shirk" and "bid'at" by Ibn-i-Taimiya and Muhammad Ibn-i-Abdul Wahab ?

A. Yes.

Q. Who are "ahl-i-qubur" ?

A. Those who are buried in grave.

I believe both in the 'wilayat' and 'Karamat' of holy men.

Q. Have not the Deobandis given a fatwa that the ahl-i-Hadith are kafirs ?

A. I know of no such fatwa.

Q. Where Ibn-i-Taimiya and Muhammad Bin Abdul Wahab denounced as kafirs by the ulema ?

A. Yes.

Q. Is a person who is guilty of kufr-i-qatal a murtadd ?

A. No.

Q. Are there two kinds of kufr, kufr-i-qatal and kufr-faqhi ?

A. No. There is no such distinction between the forms of kufr. If the word "faqhi" is substituted by the word "zappi", the distinction will be correct.

Q. Is a Mussalman who becomes guilty of kufr-i-qatal, a murtadd ?

A. No. Every murtadd is guilty of kufr-i-qatal but every man guilty of kufr-i-qatal is not necessarily a murtadd.

Q. Please define a Mussalman ?

A. (NOTE :- It has been explained to the witness that he is to give the minimum conditions that a man must satisfy in order to be called a Mussalman.)

A. A person who, in obedience to the commands of the Prophet, performs all the "zaruriat-i-din" is a Mussalman.

Q. Can you define zaruriyyat-i-din ?

A. Zaruriyyat-i-din are those requirements which are known to every Muslim irrespective of his religious knowledge.

Q. Can you enumerate zaruriyyat-i-din ?

A. These are too numerous to be mentioned. I myself cannot enumerate these zaruriyyat .

Some of the zaruriyyat-i-din may be mentioned as salat, saum, etc.

Deobandis, to whose school of thought I belong, have also been described as kafirs by certain religious sects. I have not read the writings of Sayyid Raza Ahmad Bareilvi. I consider Hazrat Ismail a martyr. The ahmadis are kafirs in the qatal sense.

Q. What is kufr-i-qatal ?

A. Kufr-i-qatal consists of such denials as are declared punishable by the Qur'an and the sunnah.

Q. Today there appeared before us two men, one of whom claimed himself to be the Masih-i-Macood and Mahdi and the other a Khalifa-tur-Rasool-Allah. Are these people murtadda ?

A. Such men are neither murtadda nor kafirs.

Sd. M. MUNIR.
PRESIDENT.

20th October, 1953.

Sd. M.H. KAYANI, MEMBER.

O R D E R.

Adjourned till tomorrow when the statement
of the witness will be resumed at 8-30 a.m.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.R. KAYANI.
MEMBER.

20th October 1953.

21st October 1953.
Camp Sialkot.

39th Sitting.

PRESENT :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.A. Kayani, Member.

Mr. Ijaz Ali on behalf of the Punjab Government.

Mr. Asadullah Khan advocate assisted by Mr.
Ghulam Murtaza, advocate, for Sadr
Anjuman Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate for the
Majlis-i-Amal

Mr. Ghulam Sarwar Pirzada, Advocate, for the
the Majlis-i-Amal.

Mr. Yaqoob Ali Khan, Advocate for Man
Muntaz Muhammad Khan Daultana.

WITNESS NO. 76 (Called by Court, continued) :

Maulana Muhammad Ali Kandhalvi, on S.A :-

Kandhla, my home-land, is in the United Provinces.

I remained in Fatehpuri Mosque for six months only.

Q. What was your age then ?

A. Nineteen years.

The management of Fatehpuri Mosque vests in a

committee of management.

Q. You mentioned yesterday that in order to entitle a person to be called a Misalman he must believe in zaruriyyat-i-din. Is disbelief or lack of belief in one of these zaruriyyat sufficient to exclude a man from the pale of Islam?

A. Yes.

Q. Has birr anything to do with a man being a Misalman or not ?

A. No.

I understand a little English.

Q. Is a person, though he believes in zaruriyyat-i-din but is an absolute scoundrel, as, for instance, he steals other people's money, has an evil eye on his neighbour's wife and misappropriates other people's money, a Misalman ?

A. Yes.

Q. Are there any such terms in Theology as "kufr-i-Kabirah" and "kufr-i-saghira" ?

A. No.

Q. Any such term as "kufr-i-Imani" ?

A. No.

Q. And "kufr-i-Tafseeri" ?

A. No.

Q. and "kufir-i-ta'beeri" ?

A. No.

Q. If a man interprets the Qur'an wrongly, is the fatawa of kufir for him a possibility ?

A. Yes.

Q. Is it not correct that you consider the Ahmadis outside the pale of Islam because they interpret the words "khatam-an-nabayyin" in their own particular way ?

A. Yes. For us it is not merely a question of interpretation. Their interpretation of the words "khatam-an-nabayyin" amounts to tehrif.

Q. Was your ideology when you were a member of the Ahrar and Jami'at-ul-Ulema-i-Hind based on religion?

A. Yes.

Q. Is your present ideology based on religion ?

A. Yes.

Q. Should we take it that you have changed your religious views ?

A. Yes. This is because of the changed conditions.

Q. Have you read the Tazkara by Maulana Azad ?

A. No.

Q. Does the ideology of Maulana Azad agree with that

of the Jami'at-ul-Ulema-i-Hind ?

a. Yes.

Q. Which of the two is true: your ideology or the ideology of Jami'at-ul-Ulema-Hind and Maulana Azad ?

a. Their religious views are right in that place and my views are right in this place.

Q. If you have to live in India, will you change your ideology and your religious views ?

a. Yes.

Q. This ideology is then not a part of iman ?

a. No.

Q. Is this ideology based on expediency ?

a. Yes.

Q. Why are you then raising this question to the status of iman ?

a. Iman has nothing to do with this.

Q. Can we call this ideology then politics ?

a. Yes.

Q. Do you subordinate your religion to politics or your politics to religion ?

a. I subordinate my politics to my religion.

Q. We put it to you again whether we should take you to mean religious ideology changes from place to

place and from time to time ?

A. Yes. You have understood me quite correctly.

Q. Have you read Allama Iqbal's book on ahmadiyyat and on the doctrine of Khatm-i-Nabuwat ?

A. No. I have never had any time to study Iqbal because I am engaged throughout in the study of Qur'an and sunnah ?

Q. Without any commentary on Qur'an ?

A. I read it with commentary.

Q. Is not Iqbal's view on Khatm-i-Nabuwat based on Qur'an and sunnah ?

A. I know Iqbal's view and, therefore, it is not necessary for me to read it.

Q. Will you please explain how Iqbal considers it a necessary stage in the evolution of human society that prophethood at one time must cease ?

A. Because at one stage man must reach perfection.

Q. Is Islamic dogma based on reason ?

A. Yes.

Q. Is it not based on revelation ?

A. Yes, but revelation itself is based on reason.

Q. What is the underlying truth in Theology in

Maulana Rumi's couplet :-

”گرم است لعل کارویی بیدے - خنیر از ی برا ز دایم بیدے“

A. I agree with this. Reason has nothing to do with din.

Q. Then, is your first answer where you say that religious belief is based on reason incorrect ?

A. What I said was that religious revelation is synonymous with reason.

Q. While discussing the doctrine of Khاتم-i-Nabuwwat, Allama Iqbal has drawn a fundamental distinction between revelation and reason in the evolution of human society. Can you state the basis of that distinction ?

A. No.

I believe that there will be seventy-three sects in Islam.

Q. How many of these sects will go to hell ?

A. Seventy-two.

Q. Do you know that from the very beginning of Islam but after the death of our Holy Prophet, the Ulama have been denouncing one another as kafir ?

A. Yes.

Q. Is it correct that out of these Ulama at least half must go to hell ?

A. I do not say that.

Q. Did you ever hear of the hadith that if a person wrongly denounces another man as kafir, he himself becomes a kafir ?

A. I have never heard of this hadith.

Q. When this Court examined Maulana Abul Hasnat, this hadith was mentioned to him as having been reported in Tirmizi and Saheeh Muslim and he admitted that there was such a hadith and that it was true. Can you recall such a hadith ?

A. I still cannot recall any such hadith.

Q. Assume that this hadith is true, does it not necessarily follow from it that at least half of the Ulema, who had been denouncing each other as kafir would go to hell ?

A. If the hadith is true, this would be the necessary consequence.

Q. Have you read Sayyuti's views about this hadith ?

A. No. I have never read the hadith itself.

Q. Have our Ulema been denouncing each other on the question of "Jabr" and "qadr" ?

A. Yes.

Q. What is your opinion about the "mutazilla" ?

A. According to me they are kafirs.

Q. What about Ahl-i-Quran ?

A. They are also kafirs.

I was a member of the Majlis-i-Amal, Sialkot.

Q. Were the three demands in respect of the Ahmadis based on religion or did they have anything to do with the politics ?

A. So far as the demand relating to the declaration of Ahmadis as a minority (aqaliyat) is concerned, it was based on religion. The other two demands were based on our political convictions.

Q. Was the original word in the resolution "aqaliyat" ?

A. Yes.

Q. Is "aqaliyat" also a theological term ?

A. No.

Q. Was it adopted from motives of expediency ?

A. We adopted this term in order to explain the meaning to the public. A further reason for adopting this term was that it was current in political controversies ("bazar-i-siyasat main ziada chalu thee").

Q. What are key posts ?

A. All important posts in the state ("aham").

Q. Does the head of a department occupy a key post ?

A. Yes.

Q. When you led the procession to the railway station on 1st March, did you see the Deputy Commissioner there ?

A. Yes.

Q. What did he do ?

A. I did not notice anything particular.

Q. It is being stated before us that the Deputy Commissioner received the procession, shook hands with you, with the leader of the volunteers and with all the volunteers. Is it correct ?

A. No such thing happened in my presence.

Q. Have you read Maulana Shabbir Ahmad Usmani's fatwa against the ahmadis ?

A. Yes.

Q. What is the history of Maulana Shabbir Ahmad Usmani?

A. He was a Deobandi and migrated to Pakistan in 1947 after the establishment of the new State.

Q. And who is Maulana Suleman Ahmad Nadvi ?

A. He belongs to Azam Garh and is a scholar of Nadva. He also came to Pakistan sometime after the Partition.

Q. Can you explain the reasoning (tariqa-i-istadlal) adopted by the Maulana for holding the ahmadis to

be murtadd ?

A. I know the main reason but I cannot give you

Maulana Shabbir Ahmad Usmani's detailed mode of argument.

Q. Where do the words (لَا إِكْرَاهَ فِي الدِّينِ) occur ?

A. In the Quran.

Q. And what about the words "لَكُمْ دِينُكُمْ وَلِيَ دِينِ"

A. These words are also to be found in the Quran.

Q. Do these words not support the Quaid-i-Azam's views expounded before the Constituent Assembly on 11th August 1947 that on the establishment of Pakistan there would be one nation, namely, the Pakistan Nation, consisting of different religious communities and that religion would be a private affair of the individual ?

A. No.

Q. Will you explain what is the meaning of

" لَا إِكْرَاهَ فِي الدِّينِ "

A. That nobody should be obliged to change his religion.

Q. And what do the words "لَكُمْ دِينُكُمْ وَلِيَ دِينِ" mean ?

A. That people are welcome to have their own religion which may be different from Islam.

Q. What are your views on 'sama' ?

A. I consider it to be against my religion.

Q. Has Ghazali said anything about it ?

A. Yes. He considers "sama" not to be objectionable if the object is the treatment of some ailment.

Q. Have you read "Kitab-ul-Aghani" ?

A. No. I have only read its "Khulasa".

Q. Does this book deal with music ?

A. Yes.

Q. Who was the writer of this book ?

A. Ibn-ul-Jauzi, in the time of the Abbasides.

The writer was a litterateur but not a "faqih".

Q. What is Sunnah ?

A. The doings and sayings of the Holy Prophet.

Q. How are these proved ?

A. From Hadith.

Q. What is your opinion about Saheeh Bokhari ?

A. I consider it next to the Quran in point of sanctity. According to me all the ahadith reported in Saheeh Bokhari are true and none of

them is open to any doubt.

Q. Have you read "Kitab-un-Nikah" ?

A. Yes.

Q. Do you believe the Hadith relating to the treatment of slave girls when they are pregnant ?

A. I have not read it but if you tell me what it is, I should be able to throw some light on it.

Q. It is being said, though this Court has not as yet formed any opinion on the point, that our Ulama are completely devoid of Western education, that without such education they can neither aspire to high Government offices nor engage themselves in trade, business or commerce, and that, on the establishment of Pakistan, finding themselves frustrated, they are exploiting religion in order to gain political power. Is that so ?

A. The suggestion is totally unwarranted.

I was sent to jail on the night of 2nd/3rd March, 1953. On some later date, which I do not now recollect, the Deputy Commissioner, in the company of an armed police guard, came to the jail. At that time the Ulama and prominent people were confined in the

barracks. The Deputy Commissioner had them taken out and confined in cells in batches of five each. The Deputy Commissioner was accompanied by Mr. Asim Ali, Deputy Superintendent of Jail and a few Lambardars of the jail. The Ulema and the prominent people were badly beaten inside their cells. I did not see all this, but received information to this effect from the Lambardars who had beaten the prisoners. One Feroze-ud-Din Butt was also taken out of the barracks and confined in a cell opposite to mine. I heard him cry from his cell and it appeared to me that he was being beaten because I could hear the sounds of blows. This incident took place the same day and was also mentioned to me by Feroz-ud-Din Butt himself. A day before some prisoners from the jail were transferred to the Dalowali Camp. Mr. Ibrahim Tarin was put in charge of that camp. Some prisoners from that camp returned to jail and mentioned to me that they had been beaten badly in that camp. I, of course, did not see this.

On 13th March, the Deputy Commissioner again came to the jail together with an old police officer, who was said to be the Superintendent of Police. They came to the place where prisoners under the Punjab Public Safety Act were confined. Maulvi Muhammad Hussain was in a neighbouring

cell. He was also beaten by Mr. Asim Ali, Deputy Superintendent of Jail. This was in my view. He was slapped by the Deputy Superintendent. He then took out Maulana Muhammad Yaqub, Maulvi Muhammad Hussain and myself and confined all three of us in the Kasuri-Line cells. We were there for 24 hours. We were deprived of our beds.

Q. Were you also physically maltreated ?

A. I was not beaten.

Besides this, a large number of prisoners, who met me subsequently, complained to me that they had been ordered by the Deputy Commissioner to be beaten. A man in the cell, adjoining that of mine, was moaning throughout the night. He told me on the following morning that he had been beaten.

Our interviews with each other were stopped by an order of the Deputy Commissioner. No medical aid was provided to those of us who were ill.

The food for the under trial prisoners was also stopped.

Cross-examination by Mr. Ijaz Ali on behalf of the

Punjab Government :-

I was a dictator of the movement when I was arrested.

Q. Was there a meeting held in Ramtalai on the night of

2nd March which you presided over ?

A. Yes.

at that meeting speeches were made by Maulana Sultan Mahmud, Allama Khalid Mahmud, Maulana Habib Ahmad and Allama Muhammad Yaqub. I also made a speech.

Q. Did you say in that speech that the Government of Pakistan was that of kafirs and that nobody should obey it ?

A. No. I never said anything of the kind.

Q. Did Maulana Sultan Mahmud in his speech say that the movement could no longer be checked by the army or the police and that any one, who came in clash with it, would be torn to pieces ?

A. No.

Q. Did Allama Khalid Mahmud in his speech say that Khawaja Nazim-ud-Din could be dealt with in the same way as the Quaid-i-Millat Khan Liaquat Ali Khan ?

A. I do not remember this.

Nor do I remember whether the Allama in that speech or elsewhere said that Khawaja Nazim-ud-Din had become a kafir and that on his death, it would be improper to say his funeral prayers.

Q. Did Maulana Habib Ahmad in his speech say that the time for making speeches had passed and that the public should be ready to receive bullets ?

A. No.

Cross-examination by Mr. Asad Ullah Khan on behalf of Sadr Anjuman-i-Ahmadiyya Rabwah :-

Q. What is your view about Maulana Muhammad Qasim Nanautvi, the founder of Madriassa Deoband ?

A. I consider him to be a wali ?

The Maulana is the author of "Tahzir-un-Nas",
Exhibit D.E.92.

Cross-examination by Mr. Ghulam Sarwar Khan Pirzada, Advocate, on behalf of Majlis-i-Amal :-

Allama Khalid Mahmud was with Khawaja Muhammad Saffar when he came to see me on 1st March.

Q. Did Khawaja Muhammad Saffar say to you that, if things did not improve, force would be used on the following day ?

A. I do not remember.

Cross-examination by Mr. Yaqub Ali Khan, on behalf of Mr. Daultana :-

The volunteers that left on 1st March purchased tickets for Lahore and detrained at Lahore. They did not go to Karachi at all.

R.O. & A.C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

25th October 1953.

WITNESS NO. 77 (Called by Court) :

Allama Khalid Mahmud, Arabic Professor, Murray
College, Sialkot, on S.O :-

Exhibit D.4./93 is my written statement.

To Mr. Ijaz Ali on behalf of the Punjab Government :-

I was arrested in connection with the disturbances
on 12th March 1953 under section 3 of the Punjab Public
Safety Act. I was released near the end of April but
was arrested again on charges under sections 21 and 26 of
the Punjab Public Safety Act. These cases were withdrawn
by the Punjab Government. I took part in the anti-
Qadiani agitation and made several public speeches.

Q. Did you make a speech at Sam Talai on 2nd March
1953 ?

A. Yes.

Q. Did you in that speech say that Khawaja Nazim-ud-Din
could also be shot like Khan Liaquat Ali Khan ?

A. At that meeting I read a quotation from the
"Maktub-i-London" published in the "Nawai-i-
Waqt" which contained some such words but I
do not remember whether I read this portion
of the "Maktub" or not. I have that issue of the
"Nawai-i-Waqt" with me which I produce, (Ex.D.5,94).

Q. Are you a Mufti ?

A. If people ask me for a fatwa, I give it.

Q. Did you also state in that speech that Khawaja

Nazim-ul-Din was a kafir ?

A. Yes. ✓

I considered the object of the movement to be right and I approved of the manner in which the agitation was being conducted up to the date of my arrest. I did not waiver in this opinion of mine a few hours before my arrest. In fact I reiterated my views a few hours before my arrest.

Q. Did you change this opinion of yours afterwards ?

A. No.

Q. Did you give a written undertaking to a friend of

yours to be communicated to his Excellency the Governor ?

A. No.

Q. Did you ever give an undertaking to anyone to the

following effect :-

"I have know today on 12th March, 1953, that the warrants for my arrest have already been issued by the D.M. Gialkot. Before I offer myself for arrest, I am making this undertaking for the

future and handing this undertaking to a friend of mine whom I am requesting to post this undertaking to His Excellency the Governor of the Panjab, after I am arrested:

I, the undersigned Professor Khalid Mahmud Qureshi, M.A., Lecturer, Murray College, Sialkot, do solemnly declare on oath that I would not take part in the anti-Qadiani movement at any time in any form at any place in the future, and will pass my life as an educationist by remaining loyal to the Government of Pakistan, Insha Allah:

I further declare on oath that in future I would preach the public to remain away from this agitation sponsored by the enemies of Pakistan. God may help me to abide by this undertaking Ameen." ?

A. No.

Q. Look at Ex.D.S. 95 and say whether the signature on it are yours ?

A. I have seen the document. It bears my signature. ✓

Q. Did you say a moment back that you are not sure about your signature ?

A. The document had not been fully shown to me at the time.

A few days before my arrest I realised that I had to sign some applications for leave because of my impend-

ing arrest. I, therefore, signed a few blank papers and handed them over to Maulvi Mahmud Ahmad.

Q. Who is Maulvi Mahmud Ahmad ?

A. He is the son of Muhammad Hussain or Ghulam Hussain, resident of Mubarik Pura, Sialkot. That Mahmud Ahmad is present in Court.

To Court :-

Q. Where did you sign these papers ?

A. Probably in the mosque of Maulana Nur Hussain.

Q. Could you not write out an application ?

A. If I had known the ground on which I had to apply for leave, there was, of course, nothing to prevent me from writing out the whole application in my own hand.

Q. Did you have any friends among your colleagues ?

A. Yes.

Q. How many ?

A. They are all my friends.

Q. Could you not hand over this signed blank paper to any one of the professors ?

A. Because they were not visitors of Masjid Nur Hussain and Mahmud Ahmad was taking part in the movement and was present at the mosque, I decided

to hand over the papers to him.

- Q. Did you on 8th May 1963 send a telegram, Ex. D.E.96, to His Excellency that you had dissociated yourself from the movement, that in future you would not take part in it, that the police intended to arrest you in a case and that His Excellency should intervene?

- A. Yes.

I also sent a copy of this telegram to the D.I.G., C.I.D., Punjab, over my signature. This is Ex.D.E./97.

- Q. You have stated that earlier you gave no undertaking to any one and that you handed over merely blank papers to Mahmud Ahmad. Then why did you in the telegram (Ex.D.E./97) state the following :-

"Honourable Premier Punjab (Malik Ferozekhan Noon) kindly accepted my undertaking and released me from detention under safety act * * , "

- A. The reference in this telegram is not to any undertaking that I had myself given, but to an undertaking which my father had given on my behalf to Malik Firoz Khan Noon, the Chief Minister, in Sialkot on some date which I do not remember.

- Q. Did your father tell you that he had given an undertaking to the Chief Minister ?

A. I do not know whether it was my father or brother who mentioned it to me, but I was told that an undertaking on my behalf had been given by my father.

I agreed to abide by the undertaking which my father had given. I was released near the end of April and thereafter I remained loyal to the undertaking that my father had given and I still abide by that undertaking. In those days I read in the papers a statement by Maulana Daud Chaznavi, the General Secretary of the Majlis-i-Amal, to the effect that they were to withdraw from the movement and to co-operate with the new Government. I also seconded that statement and published my views in the newspapers.

Q. Did you also ask yourwife to send the following telegram, Lrt.D.E./98, to the wife of the Chief Minister, Punjab, the Chief Minister, Punjab, the Home Secretary to Government, Punjab, and the Secretary to the Chief Minister, Punjab :-

"My husband Professor Khalid Mahmud submitted an unconditional undertaking and was released by the Honourable Malik Muhammad Feroz Khan Noon Prime Minister Punjab. My husband was re-arrested at Sialkot under sections 21 and 26 of Safety Act and the trial has just started. My husband's March 1953 speeches incorrectly reported and the case registered on 12th May 1953 after a lapse of 3 months. My husband has become a law abiding citizen, a harmless educationist, and has dissociated himself from any movement. He issued Press statements also in support of the Government the cuttings of which newspapers have already been supplied to you. Being youngest among Sialkot detainee, he deserves pardon and his case requires re-consideration. Kindly recommend withdrawal of the case against him."

A. The document shown to me bears the signature of my wife, but these telegrams were sent at the instance of my father and not at my instance.

My father knows English. He is a retired Assistant District Inspector of Schools.

The following petition in Urdu, Exhibit D.E./99, is also signed by my wife and is in her own handwriting :-

قبیلہ والا: میر خاندان پر میر خاندان محمد اہم سے کوئی تعلق نہیں ہے۔
 سینئر ایڈٹ: کسی نظر بندی سے رہا کر دیا۔ میر خاندان نے اخبارات میں اس کی تبلیغ
 اور نون وزارت سے تعاون کیا ہے۔ اس کی تبلیغ کے بعد ڈیٹی کمشنر بیلاکوٹ نے
 میر خاندان کو دوبارہ گرفتار کر لیا۔ حالانکہ میر خاندان کو پھر اس شہر میں چھوٹے چھوٹے
 اخبارات میں نون وزارت سے تعاون کیا ہے۔ اس کی تبلیغ کے بعد ڈیٹی کمشنر بیلاکوٹ نے
 گرفتار کیا۔ اور لطف تو یہ ہے کہ ۳ مارچ کے جرم خاندانہ ۱۳ مئی کو درج کیا گیا۔ حالانکہ
 اسی دن کی سند پر میر خاندان کو نوپیدی دوا کی کاربندی محکمت جیلے اولیہ میں
 آنریبل ملک محمد فیروز خاں نون نے ریختی کے اکتفا سے آزاد کر دیا تھا۔
 حضور سے انصاف کی اپیل کرنی ہوگی۔ حقاقت یہ کہ بیلاکوٹ کو حکم دیا جاتا ہے کہ وہ میر خاندان
 خاندان محمد کو قوری طور پر رہا کر دیں۔
 نون وزارت سے تعاون کیا ہے۔ اس کی تبلیغ کے بعد ڈیٹی کمشنر بیلاکوٹ نے

Q. After you were released, did you start making any propaganda in favour of the new Punjab Ministry?

A. I did not make any propaganda, though I did publish a statement in the papers to the effect that people should co-operate with the new Ministry and dissociate themselves from the anti-Ahmadiyya movement.

Q. Do you know if your wife sent the following telegram,

Ext D.E./100, to the Chief Minister :-

"I, Professor Khalid Mahmud's wife, beg to bring to your kind notice the fact that my husband issued two press statements in support of the Noon Ministry. These press statements appeared in all the local papers of Tuesday the 12 May 1953. Copies enclosed herewith for ready reference."

The next day (13 May 1953) my husband was re-arrested by Sialkot Police on account of his March 1953 speech for which my husband already suffered 2 months detention under Safety Act.

The Hon'ble Malik Muhammad Zeros Khan Noon had kindly ordered the unconditional release of my husband Professor Khalid Mahmud of Sialkot.

When under Prime Minister's orders, my husband Professor Khalid Mahmud was released from Multan Jail, and re-entered his home at Sialkot, the Sialkot Police arranged his re-arrest.

My husband sent to you an urgent telegram on Friday 8 May 1953 praying your intervention in his re-arrest. My husband himself came to see you at Lahore on 12 May 1953 but you were on tour. My husband however met your Secretary Sheikh Abdul Rahim PCS and explained the situation to him. The next day 13 May 1953 he was re-arrested by Sialkot Police.

Is this reward for gathering support to the Noon Ministry? My husband protested much for the support of the Noon Government still he was re-arrested notwithstanding the fact that the Hon'ble Prime Minister had ordered his release a week before."

A. I know nothing about it. On the date of this telegram, namely, 13th May, I was in jail.

I handed over four or five signed blank papers to Mahmud Ahmad.

Q. Did you know that an application could be sent from the jail also through the jail authorities?

A. I did not know this.

Q. What is your opinion now about the part that you played in the movement before the date of your arrest?

A. I believe that what I did was right.

To Court :-

Q. Have you ever heard of Lyyub Hambali ?

A. No.

Q. Did you ever say in any one of your statements that you were withdrawing from the movement because the General Secretary of the Majlis-i-Amal had asked people to dissociate themselves from the movement ?

A. Yes. In my statement, I did refer to the statement of Maulana Daud Ghaznavi.

Cross-examination by Mr. Ijaz Ali (continued) :-

On my release from jail I enquired from the Principal of the Murray College whether my applications had been received by him. He said that one or two had been received but rejected.

Q. Who wrote those applications ?

A. I do not know. I did not write any applications. Nor did I see that application.

Q. Where is that application ?

A. It was returned to my house and has been destroyed.

Q. Since when have you been at the Murray College ?

A. For the last three years.

Q. Is the procedure at your college this that, if an

application is rejected, it is returned in original to the applicant ?

A. Yes.

Q. As far as I remember only one rejected application was returned to me at my residence.

Mahmud Ahmad is a friend of mine and I often meet him. He has been my pupil.

Q. Did you ask Mahmud Ahmad to return to you the signed blank papers which had not been used ?

A. No.

Q. I put it to you that what you have said about the signing of blank papers and handing them over to Mahmud Ahmad is entirely false and that you did sign the document (Ext. D.E./95) after the undertaking had been typed out ?

A. What you suggest is absolutely wrong.

To Court :

Q. Where were you educated ?

A. I studied up to F.Sc. at the M.A.O. College, Amritsar. I, however, did not appear in the F.Sc. examination and gave up my studies in science. After that I took up studying Arabic and Persian and took my B.A. in

English. I took Honours in Persian. After that I passed my M.A. in Arabic. Subsequently I also took my M.A. in Islamiat. I am also a Maulvi Fazil.

Q. What is Islamic dogma ?

A. I do not understand this.

Q. What is Islamic cult ?

A. I do not understand this.

Q. What is Muslim ethics ?

A. It is a vast subject and I cannot explain it here.

Q. Can you point out the fundamental difference between Muslim ethics and the general ethics ?

A. Muslim ethics is based on wahi and general ethics on experiments.

Q. Is there experience in ethics ?

A. Yes.

Q. Have you studied Allama Iqbal's views on the doctrine of Khatm-i-Nabuwat ?

A. Yes. His view is that, when mankind reaches spiritual perfection, there remains no necessity for prophethood.

Q. Does allama Iqbal see any connection between revelation and reason, while discussing the question of Khatm-i-Nabuwat ?

A. His view is that wahi accords with reason.

To

To Mr. Yaseeb Ali Khan, Advocate, for Mr. Daultana:-

Q. How long before the second arrest did you come to know that you were going to be arrested.

A. Two or three days.

(The witness volunteers) :

I Produce the Letter Ex.D.E./101 which was given to me by my pupil, Abdur Rashid, Crescent Book Depot, Sialkot. This purports to be from Shukrullah Khan Aziz, Amir-i-Jama'at-i-Ahmadiyya, Daska, and is addressed to the Amir-i-Jama'at-i-Ahmadiyya, Sialkot.

R.O. & A.C.

SA. M. MUNIR.
PRESIDENT.

SA. M.R. KATANI
MEMBER.

21st October 1953.

HC-MB-8

WITNESS NO. 78 { Called by Court } :

Khawja Muhammad Abdul Latif, Professor, Murray
College, Sialkot, on solemn affirmation :-

(The examination of this witness is conducted
in camera).

I am a Professor of Economics at the Murray
College, Sialkot since 1930.

Q. Did you take any part in the Disturbances ?

A. No.

Q. Were you arrested ?

A. Yes. I was arrested on 31st March 1953.

Q. Who ordered your arrest ?

A. I do not know. I was in Karachi when on 25th
and 26th March I received two telegrams; both
from my elder brother, Khawaja Barakat Ali,
stating that the Deputy Commissioner, Sialkot,
wanted to meet me urgently and that I should
reach Lahore immediately. Accordingly I left
Karachi on the morning of 27th and reached Lahore
on the 28th. I met my brother. He told me that
in my absence I had been declared to be a proclaim-

ed offender, that my arms had been seized, that warrants for the attachment of my property had been issued and that I had been ordered by the Deputy Commissioner, Sialkot, to be detained for a fortnight under section 3 of the Punjab Public Safety Act. I came to Sialkot on 30th March, 1953.

I went straight to the Deputy Commissioner. He

was not at his house, having gone to the club. His servant told me that even if the Deputy Commissioner had been at his house, he would not have seen me. His servant asked me to come in the morning.

Next morning I met the Deputy Commissioner in his courtroom. I produced before him the two telegrams I had received in Karachi and asked him what the matter was. He asked me to explain why, as ordered by him, I had not come to him on 19th March. He added that if I had complied with his orders and seen him on the 19th, the matter would have ended there. I told him that I had not received his orders to present myself on the 19th as I was not in Sialkot on that date but was in Lahore. He said that I was in fact present in Sialkot on the 19th and that the Assistant Superintendent of Police had met me on that date here. I told him that I had never met the

A.S.P. and did not know him. On this he clapped his hands and called the police. an A.S.I. came and the Deputy Commissioner asked him to take me away on the ground that I was a proclaimed offender. I was kept in the police office for some time and then taken to the police lines where I was kept for some hours more. From the police lines I was taken to the jail. I was released from jail on 14th April. I was kept in the jail in a solitary cell and I was given to understand that I was kept there under the oral orders of the Deputy Commissioner.

Q. Do you know why were you arrested ?

A. My information is that on the 19th March the Deputy Commissioner called members of the Municipal Committee at the Fort. I am one of the Municipal Commissioners. There are twenty-five members of the Municipal Committee and of them only seven or eight went to the Fort in compliance with the Deputy Commissioner's Orders. There, I understand, the Deputy Commissioner ordered the President of the Municipal Committee, Mian Akbar Ali, to be arrested because of a certain resolution having

been passed by the Committee. Some one, however, from among the police officers advised the Deputy Commissioner not to take that step and Mian Akbar Ali was not arrested. The Deputy Commissioner then sent an A.S.I. to my house with the directions to produce me before the Deputy Commissioner. He is said to have used the following words :

" Iamba admi Khawaja Abdul Latif hamare pesh karo ". I had, however, left for Lahore on that very morning.

To Mr. Mazhar Ali Azhar, on behalf of the

Majlis-i-Ahrar :-

Q. Was any other Municipal Commissioner arrested ?

a. The other Municipal Commissioner to be arrested was Sh. Abdul Aziz.

Q. What was the resolution passed by the Municipal Committee ?

a. The resolution that was moved by the chairman and carried out unanimously was that the demands of the Mussalmans should be accepted and that the survivors of persons who had been killed in Sialkot should be compensated. I do not remember the date of the resolution but it was passed

some days after the firing of 3rd and 4th March. I was here at the time of the anti-Kashmir agitation in 1931 and 1932 and know that innumerable persons set out to march into Sohet Garh from this place, as a protest to the atrocities that were being committed on the Mussal-mans of that State by the Dogras. Of course this movement was not liked by the Hindus. Arrests in that connection used to be made both near Sohet Garh and the town of Sialkot. There was, however, no clash with the Government here or any Hindu-Muslim riots.

To Mr. Asadullah on behalf of Sadr Anjuman-i-

Ahmadiyya Bahwah :-

Q. Do you know that before July 1952 for about two years some of the meetings held by the Ahmadis were interrupted by the Ahirar ?

A. I was not present at any such meeting, but I have heard that there was a disorder in a meeting on the Bucharkhana Road.

To Mr. Ijaz Ali on behalf of Punjab Government :-

Q. Have you ever been a member of the Ahirar organization ?

a. Never.

In the Legislative Council elections held in 1932 I voted for the Ahirer candidate, Mr. Mazhar Ali azhar. I did not canvass for him.

Q. Are you a member of the Jinnah Awami League ?

a. No. I am a supporter of it.

Q. Were any speeches made in support of the resolution before it was passed ?

a. Yes. I proposed an amendment but it was disallowed by the Chairman as an amendment and was treated as a substantive proposal. My amendment was that because the Muslim League, which was the Chief political party in the country, had not guided the millat on the Jhmdiyya controversy, the House should express its displeasure at the attitude of the League.

Q. Do you know that you were arrested because you took part in the agitation ?

a. I have already told what the Deputy Commissioner stated to be the reason for my arrest. He said the same thing to the Khan of Mandot, to my brother, Khwaja Barkat Ali, and to Khwaja Ghulam

Hazir. I was put in 'C' class in the jail. No order for my detention was served on me. I do not remember if any order of my commitment to jail was reserved on me.

Q. Who told you that the Deputy Commissioner had orally ordered you to be detained in a cell ?

A. A prisoner in the jail told me that the Deputy Commissioner had ordered me to be detained in a solitary cell. I cannot now give the name of that prisoner. I remained in the solitary cell for seven days and then, when I fell ill, I was taken to the hospital.

On my being committed to the jail I did my best to see the Superintendent of jail but despite all efforts I could not get an interview with him. I continued my efforts for an interview with him for the six days that I was in the solitary cell where I could only distinguish between day and night. On the 6th or 7th day of my imprisonment the present Superintendent of Jail saw me in the cell and had a talk with me for about 40 minutes from across the bars. I told him that though I

was a 'C' class prisoner I was being confined in the solitary cell. He said that he would look into the matter. On the following morning he shifted three prisoners including myself to a large room. A day after that I was sent to the hospital. Neither the Deputy Superintendent nor the Assistant Superintendent of Jail came to see me in the cell. After my repeated requests, however, the doctor came in to whom I complained of insomnia.

To Mr. Yagooob ali Khan for Mr. Daultana :-

- Q. Did your amendment proceed on the ground that the Muslim League had not associated itself with the demands ?
- A. No. This was not the reason. I proposed the amendment because the League was changing its attitude inasmuch as sometimes it said that the demands had been submitted for consideration to the Centre, at others it said that the movement was to be crushed. I had realised that the agitation which was being fanned by the maulvis

was assuming large proportions but the Muslim League was still not defining its policy. When I said that the Muslim League had sent the demands for consideration to the Centre, I was referring to Mr. Daultana's statement of 6th March.

Q. What was the resolution moved by Mian Akbar Ali :

A. That the popular demands be accepted by the Government.

My amendment was disallowed by the Chairman because its subject matter was already included in the resolution moved by the Chairman.

R.O. & A.C.

M. Muir.

PRESIDENT.

M.R. KAYANI.

MEMBER.

21st October 1953

ORDER.

adjourned till tomorrow for further
proceedings.

SA. M. MUNIR.
PRESIDENT.

SA. M.B. KAYANI.
MEMBER.

21st October 1953.

O.E.D.A.S.

Under Section 5 of the Ordinance we direct
Mr. Muhammad Hussain, Superintendent, Police, C.I.D.,
who is already in Karachi, to take into possession
the records of the All Pakistan Muslim Parties
Convention and the Majlis-i-amal appointed by the
Convention, relating to the formulation of and
steps to be taken to enforce the demands in respect
of the Ahudis. Let him be informed of this by tele-
gram.

Sd. M. MONIR.

PRESIDENT.

Sd. M. E. KAYANI.

MEMBER,

22nd October 1963.

22nd October 1953.
Camp Sialkot.

40th Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Ijaz Ali on behalf of the Punjab Government.

Mr. Asadullah Khan, advocate, assisted by Messrs.
Ghulam Kurtaza and Abdur Rahman Khadim,
advocates, for Sadr Anjuman Ahmadiyya
Rabwah.

Mr. Mazhar Ali Azhar, advocate, for the
Majlis-i-Ahrar.

Mr. Ghulam Saeed Pirzada, advocate, for the
Majlis-i-Ahwal.

Mr. Yaqub Ali Khan, advocate, for Mian Muntaz
Muhammad Khan Daultana.

WITNESS NO. 79 (Called by Court) :

Mr. Mangur Hasan. Secretary City Muslim League,
Gujranwala, on S. :-

I am secretary of the City Muslim League since
1942. I belong to Wazirabad but have settled in
Gujranwala.

Exhibit D.A. 102 is the written statement that
I have submitted to the Court of Inquiry.

Q. You have stated in your written statement that there was a party opposed to you which was the favourite of the Deputy Commissioner and the Superintendent of Police. Please name the members of the party ?

A. Mian Abdul Hamid, Haji Taj Din, Seth Ghulam Qadir, Seth Muhammad Abdullah, Sh. Ashiq Hussain, Sh. Barkat Ali, Maulvi Ghulam Rasul, Sardara Kaohhi, Safdar Ali and some others. Of them Seth Ghulam Qadir, Seth Muhammad Abdullah, Sh. Barkat Ali and Sh. Ashiq Hussain are members of the Muslim League. They are two-anna-members of the League.

Q. Is there a party opposed to you in the City Muslim League ?

A. No.

I am a member of the Punjab Legislative Assembly. I was elected on the Muslim League ticket.

Ex.D.S. 103 is a resolution passed by the City Muslim League of Gujranwala on 17th July 1952. This resolution was moved at my instance. I do not know who seconded the resolution but the proceedings recorded should show it.

Q. Did you know that by passing this resolution you were condemning the Government ?

A. I did not then realise that by denouncing the

arrests made by the Government for contravening orders under section 144, Cr. P.C. I was condemning the Government itself.

Q. Who were arrested for contravening orders under section 144 Cr. P.C. ?

A. Sahibzada Faiz-ul-Hasan, his son whose name I do not know, Maulvi Abdul Wahid and some others. Most of the men arrested were Ahir.

Q. Were you their counsel when their case came up to court ?

A. I am a lawyer and I defended the son of Sahibzada Faiz-ul-Hasan and Maulvi Abdul Wahid when their case came up to Court.

Q. What was the allegation against these men ?

A. The allegation against these men was that they attended a public meeting in contravention of an order under section 144 Cr. P.C.

Q. Was there any allegation that any one of these men had made a speech in contravention of an order under section 144 Cr. P.C. ?

A. No first information report was put in Court and, therefore, I cannot say whether this was the allegation against them.

I do not know whether they had actually made any speeches. I did hear that Sahibzada Faiz-ul-Hasan had made a speech in defiance of an order under section 144 Cr. P.C.

Q. Do you know what he spoke ?

A. No.

I do not accept the proposition that a man can make any kind of speech that he likes in a mosque. The speech made by Sahibzada Faiz-ul-Hasan was in a mosque.

Q. If you do not accept the principle that a person is entitled to make any kind of speech in a mosque and you did not know what kind of speech was made by Sahibzada Faiz-ul-Hasan in the mosque, why were you a party to a resolution condemning the arrest of Sahibzada Faiz-ul-Hasan for such a speech ?

A. We were against the application of section 144 Cr. P.C. for anything done in the mosques.

Q. Did you consult the President of the Punjab Provincial Muslim League before you proposed this resolution ?

A. No.

Q. Did you sign any pledge ?

A. I pledged my sympathy with the movement.

Q. Did you sign any document ?

A. Yes.

Q. What were the terms of that document ?

A. There was a printed form which stated that the sympathies of the person signing would be with the movement of Tahaffuz-i-Khatm-i-Nabuwwat and that every effort would be made by the signatory of the pledge to press for an early settlement of the issue.

Q. Did you sign any form with your blood ?

A. No.

Q. Were you arrested ?

A. No.

Q. Did you lead a procession ?

A. No.

Q. Were you a party to a mock arrest ?

A. No.

Q. Did you absent yourself from Gujranwala ?

A. Yes. I absented myself from Gujranwala on the 6th.

Q. How long were you absent from Gujranwala ?

A. For one day.

Q. Why did you absent yourself from Gujranwala ?

A. At the request of the Deputy Commissioner and the

Superintendent of Police.

- Q. Who was the dictator of the movement when you left Gujranwala ?
- A. One Hakeem Sahib.
- Q. Is it true that the dictator ordered you to lead a procession ?
- A. No such direction was issued to me.
- Q. Do you now know that the dictator had directed you to lead a procession and that by some arrangement with the president of the City Muslim League and the District authorities you made a make-believe of your arrest by absenting yourself from Gujranwala ?
- A. What happened was that on 5th March the President of the City Muslim League and myself were informed by the Deputy Commissioner and the Superintendent of Police that our lives were in danger and that we should quit Gujranwala. I did not accept this proposal but on the following morning I was, against my will, taken out of Gujranwala and dumped in Pindi Bhattian.
- Q. When did you return to Gujranwala ?

A. On the next day.

Q. Did you then lead a procession ?

A. I did not voluntarily lead any procession. On 7th March when I returned from Pindi Bhattian and was near the Clock Tower I came across a huge procession consisting of thirty or forty trucks. I was made to sit on a truck by the agitators. The procession stopped outside the mosque near City Police Station.

Q. Did you then go inside the mosque ?

A. I was forcibly taken inside the mosque and threatened to sign the document which I have mentioned above.

Q. Was the President of the City Muslim League then in the procession ?

A. No. He had been arrested a day earlier.

Q. Please state the names of the office-bearers of the Muslim League, Gujranwala, who were arrested in connection with the disturbances ?

A. Sheikh Aftab Ahmad, President of the City Muslim League and Hakim Muhammad Bashir,

Agha Bashir Ahmad, Kh. Muhammad Nasim, Mir

Abdul Hamid and Mirza Muhammad Sharif, Councillors
of the City Muslim League.

Q. How many public meetings did you address ?

A. I did not address any public meeting, except the
one on my return from Lahore after interviewing
the Chief Minister on 8th March.

Chaudhri Zafarullah Khan, Nabi Ahmad, Mr. Saifullah
Khan and Mian Dost Muhammad Bhatti, all M.L.As,
and myself and five members of the Majlis-i-Amal
of Gujranwala went to Lahore to press the demands
before the Chief Minister. Accordingly we waited
on the Chief Minister and spoke to him. He said
that the first thing to be done was to establish
peace and that unless that was done he could not
say anything further.

Q. Was the document that you signed the pledge of
the Majlis-i-Amal ?

A. The form had been prepared by the Majlis-i-
amal.

Q. You have said that you signed this document on
7th March. Did you sign any other document one and a

half months before this ?

A. No.

Q. Did the Muslim League, before the commencement of the disturbances, ever organise a public meeting to be addressed by the Ahrar ?

A. Once in the beginning of 1961, a ~~date~~ conference was called in Gujranwala.

This meeting had been called by six different parties, including the Ahrar, Islam League, Jinnah Awami League and the Jama'at-i-Islami.

Maulana Ata Ullah Shah Bokhari was one of the speakers at this conference. The Maulana did not say at that time it was an act of piety to kill the Ahmadis or to burn their property.

Q. Was a public meeting held on the occasion of Yaum-i-Mutalibat on 20th June 1962 ?

A. A meeting for this date had been proclaimed, but it was cancelled because of an order under section 144.

Q. The information is that this meeting was held inside the Sheranwala-Bagh Mosque and that it was addressed by Sanibzada Faiz-ul-Hasan, Shaikh

Husam-ul-Din and Master Taj-ul-Din Ansari and that they all were arrested ?

A. As far as I remember, because public meetings had been prohibited by an order under section 144 of the Code of Criminal Procedure, a meeting was held on the occasion of Juma-tul-Wida, in the Sheranwala-Bagh Mosque. What I mean to say is that no meeting had actually been announced but people met in the mosque and they were addressed by certain speakers.

I do not know, but it may be that speakers at this meeting included Sahibzada Faiz-ul-Hasan, Sheikh Husam-ul-Din and Master Taj-ul-Din Ansari.

Q. Are you quite sure that the case in which you were retained did arise out of the arrests made for the speeches delivered on this occasion ?

A. The case did arise out of the speeches made on this occasion.

Q. Do you remember if Maulana Akhtar Ali Khan addressed any public meeting in Gujranwala in connection with this movement ?

A. Yes.

Q. When was this ?

A. Probably in November 1952.

Q. Was there a tea party in his favour ?

A. Yes.

Q. Which of the officials attended this party ?

A. Sardar Ghuulam Sarwar Khan, Superintendent of Police, Malik Abdul Qadir, the Deputy Commissioner, and some other officials.

Q. Who gave the tea party ?

A. I gave this party not in my capacity as Secretary of the City Muslim League, but by reason of my personal relations with the Maulana.

The party was attended by almost all the Muslim Leaguers of the town.

The meeting at which the Maulana spoke had been called by the Majlis-i-Amal. I did not attend the public meeting and, therefore, cannot say what speeches were made there.

Cross-examination by Mr. Ijaz Ali on behalf of the Punjab Government :-

Q. Was the resolution passed by the Muslim League published in the form of a pamphlet ?

a. No.

The resolution was, however, circulated to the public in the form of handbills. After the resolution was passed I had the occasion of meeting the President of the Provincial Muslim League, Mr. Daultana. I told him that the movement was taking a dangerous turn and that the question should be settled as early as possible. I also wrote to the Prime Minister of Pakistan, Khawaja Nazim-ud-Din, in this connection. My meeting with the Chief Minister was in July 1952. Mr. Daultana's reply to my request was that it was for the Centre to take a decision in the matter. I went to Dacca to attend the meeting of the All Pakistan Muslim League which was held there in October 1952. On that occasion I mentioned the matter to the Prime Minister who was present there. The Prime Minister said that the matter would be considered but that was an inopportune time to raise the question. At the Dacca session of the Muslim League I moved the resolution of which Ext. D.E./104 is a copy. This resolution did not relate to the Ahmadis exclusively, but was also intended to include other sects which were using objectionable terms mentioned in this resolution. This resolution was not moved.

Q. Did you attend any meeting of the Majlis-i-Amal held at Gujranwala ?

A. No!

A deputation of the Muslim League waited on the Chief Minister on 17th February 1953 at the East House, Gujranwala. This deputation included Sheikh Aftab Ahmad Khan Zia-ul-Haq, Khawaja Nizam-ud-Din and myself. There were also two or three other men. We warned the Chief Minister that if the movement once started it would assume uncontrollable proportions and that it was necessary to take an early decision one way or the other. He again replied that he had written about the matter to the Prime Minister of Pakistan several times and that no reply from the Centre had been received. We told him that the movement would result in violence. He replied that if the movement assumed any violent trend he would finish it in two minutes. After the movement assumed a dangerous turn, I asked for an interview with the Chief Minister by telegram. The first telegram was sent on 28th February and the second on 2nd March. My object in interviewing him was to inform him of what had happened in Gujranwala. I, however, got no reply to the telegrams.

Q. Did the Muslim League pass any resolution to

condemn the agitation ?

a. No.

Q. Did any Muslim leaguer condemn the agitation from public platform ?

a. It was not possible because of the overwhelming feeling in favour of the movement.

To Mr. Yaqoob Ali Khan, advocate, for Mr. Daultana :-

Q. When you moved the resolution of 17th July 1952, did it represent your own personal reaction or the feelings of other members of the Muslim League as well.

a. The resolution represented the feelings of all those who were present. That meeting was attended by about twenty members out of fiftythree. The quorum for the meeting is one-fourth.

Mr. Gazdar had also proposed at the Dacca Session of All Pakistan Muslim League that the demands be accepted. The terms of that resolution also are mentioned in Ex.D.L. 104.

Mr. Gazdar was elected as Deputy Speaker of the Constituent assembly during the time of Khawaja Nazim-ud-Din. This was after the aforesaid resolution had been moved by Mr. Gazdar.

Q. When the deputation met the Chief Minister on 17th

February, did he not in reply use the words

”اگر زام صلب کجے موقوفہ نہ تو میں اس کو ٹریک کو روک دیتا ہوں“

A. What he stated I have already mentioned above. He

also said that he had written several times to

Khawaja Sahib but that he was not letting him do

anything.

I do not know whether the yaum-i-rutalibat was on

20th June. All that I know is that a meeting was held on

that day as mentioned above.

Q. Did you attend a meeting of the Provincial Muslim

League in Lahore on 26th July 1962 ?

A. Yes.

At that meeting the general sense of the House in the beginning was that the demands be accepted. Some of the Speakers in support of the resolution stated that their electorate was in favour of the acceptance of the demands. The resolution was moved as drafted by the Working Committee and Mr. Daultana supported the resolution in the session. Some amendments to the resolution as eventually passed were moved by some members.

Q. Who is this assar, B.A. ? What are his achievements ?

A. He had the prostitutes driven out of Gujranwala.

Q. Did any office bearer or any prominent member of the Muslim League take part in the agitation voluntarily ?

A. No. Some of them were of course forced to take part.

There was no law and order in the city of Gujranwala from the 1st to 9th March, the whole of the city being in the control of the Goondas. The reason for this was that the District authorities were unable to cope with the situation and their efforts were concentrated in guarding the treasury and the Government offices.

To Mr. Mazhar Ali Azhar on behalf of Majlis-i-Ahrar :-

Q. Did you ever repudiate the pledge that you had signed ?

A. No.

To Mr. Asadullah Khan on behalf of Sadr Anjuman-i-Ahmadiyya Babwah :-

Q. Was Ex.D.2. 105 the pledge you signed ?

A. No. The form that I signed was different from this.

Q. When the public meeting in the beginning of 1951 was organized, were you or were you not told by Mr Muhammad Sakhs, Advocate, Amir-i-Jama'at Ahmadiyya, Gujranwala that you should not permit Sayyed Asadullah Shah Bokhari to speak from the stage because, irrespective of any promise made by him to the

contrary, he would indulge in his favourite theme of denouncing the Ahmadis and making them the objects of hatred and ridicule ?

- a. Yes. I told Mir Muhammad Bakhsh that I would speak to the Maulana and advise him not to speak on any controversial matter because it was exclusively a Defence Conference. In spite of all this, he did speak on the subject.

H.O. & A.C.

Sd. M. MUNIR,

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

22nd October 1953.

WITNESS NO 80 (Called by Court) :

Mr. Aftab Ahmad, President, City Muslim League,
Gujranwala, on S.d :-

I have been the President of the City Muslim League for the last two years. Exhibit D.E./106 is the written statement that I have submitted to this Court of Inquiry.

- Q. Did you arrange a mock-arrest of Mr. Manzur Hasan, Secretary of the Muslim League ?
- a. Hakim Abdur Rahman, the dictator of the agitation, had issued a direction requiring Mr. Manzur Hasan, Secretary, to lead a procession. The district authorities, however, felt that, if the Muslim League came into the agitation, the situation would worsen. The Deputy Commissioner and the Superintendent of Police, therefore, advised me to agree to Manzur

Hasan being taken away to some place out of Gujranwala, as though he had been arrested. This arrangement, of course, came to the knowledge of Mr. Manzur Hasan before he was taken away. I agreed to this proposal. I do not know whether the arrangement came to the notice of public.

Q. Were you arrested in connection with the agitation ?

A. Yes.

Q. Did you lead any procession ?

A. I was made to lead a procession.

Q. Under what circumstances ?

A. After the incident of Mr. Manzur Hasan, my house was surrounded by a mob of about one thousand. They broke the doors of my house and after scaling the walls entered my house. I was at that time in my neighbouring mill. On hearing what was happening, I returned to my house. I found forty or fifty people in the gallery. I asked these people to go out and I accompanied them. Outside the house I saw a large mob. I addressed the mob, telling them that religion was being exploited by interested persons in the interests of some political parties and that the movement was being conducted by a band of people under official influence. The mob did not agree with me and took me to the mosque. There I

made a speech, telling the audience that all that was being done was pure ruffianism and with it our religion had nothing to do. I also said that I had nothing to do with the Majlis-i-Amal, but that belief in Khatm-i-Nabuwat was an article of faith with me. I also said that the manner in which the movement was being conducted was bringing the doctrine of Khatm-i-Nabuwat into ridicule. After this the dictator, namely, Hakim Abdur Rahman, took me to a retiring room. There, he asked me to help him in the progress of the movement, telling me that even if seven crores of people were killed in the cause but the issue was settled, it would be a great victory. I said I did not share that view. Maulvi Abdul Wahid, who had gone underground, also appeared at this stage and he had a talk with me on the subject. After the Juma prayers I was requested to lead a procession and to denounce Mr. Daultana, Khawaja Nazim-ud-Din and the Muslim League. I said that, being the President of the City Muslim League, I could not do that. The crowd at this stage had swelled to about ten thousand. Some of the men carried sticks and other odd weapons. In these circumstances, I had to agree to lead the procession.

Accordingly, a procession was organised and it moved towards the jail. The Deputy Commissioner and the Additional District Magistrate had warned me that my life was in danger and that the intention of the public was to stab me. This was communicated to me the day before. The news of my being forcibly taken to a mosque went round and the following

Councillors of the Muslim League came to the mosque :-

1. Mirza Muhammad Sharif,
2. Hakim Muhammad Bashir,
3. Agha Bashir Ahmad,
4. Kh. Muhammad Naeem,
5. Muhammad Din Bhatti and
6. Mir Abdul Hamid.

They were also forcibly made to join the procession. Near the jail, these councillors and myself were arrested.

Cross-examination by Mr. Ijaz Ali on behalf of the Punjab Government :-

- Q. Did the Muslim League, as a body, or did any leader of the Muslim League ever condemn the agitation publicly ?
- A. We had no instructions from the Provincial Muslim League. When the Chief Minister had visited Gujranwala on 17th February, we had asked for instructions from him. He had, however, said that he had received no instructions from the Centre. He had added that, if the instructions came from the Centre to crush the movement, the Punjab Government would do so. Because there were

no instructions, either from the Province or from the Centre, we were not in a position publicly to denounce the movement.

Q. When the situation in Gujranwala worsened, did you inform the President of the Provincial Muslim League about it ?

A. Because Mr. Daultana had said that instructions, if and when received from the Centre, would be communicated to us, we did not consider it necessary to address any further communication to him.

Q. Is it a fact that you were also asked by the Deputy Commissioner to leave Gujranwala ?

A. Yes.

Q. Then why did you not accept the suggestion ?

A. Because any such action on my part would have hurt the honour and prestige of the Muslim League. Moreover, we apprehended stray assaults on the members of the Muslim League.

Q. To which place does Hakim Abdur Rahman belong ?

A. As far as I know he comes from Taran Taran. Probably this man was the President or other important office-bearer of the Ahrar at Gujranwala.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,

on behalf of Mr. Daultana :-

I was present at the meeting of the Council of the Provincial Muslim League held in Lahore in July 1952. At that meeting, Mr. Daultana did say that every Musalman believed in the doctrine of Khatm-i-Nabuwat, but that the demands, that were being made, were for the Centre to decide upon. Even on the 17th February, Mr. Daultana did

repeat the view that the demands raised certain issues which were for the Centre to deal with and that if instructions were received from the Centre he would be able to finish the movement in no time. He also expressed the view that no unconstitutional agitation against the Government could possibly be tolerated. The actual words used by him were :-

”حضور میں اسکو آئٹ من ختم کردوں لیکن خواجہ صاحب ایسا کرنے نہیں دیتے“

He had also said that if it became necessary to resort to firing to suppress the agitation, he would not hesitate to do so. At the Session of the Provincial Muslim League, Mr. Daultana had said that he did not like any mass movement to enforce the demands.

Q. Who were the persons who were working under the influence of the district officers ?

A. The band of workers was headed by Mian Abdul Hamid.

The other members of this band were Haji Seth Ghulam Qadir, Sh. Barkat Ali, Seth Muhammad Abdullah, Bana Abdul Hamid and Sh. Khadim Hussain.

Q. Why were these people under official influence ?

A. They had their own interests to serve.

Q. What object did the district officers have to encourage these men ?

A. It had been the custom with this batch always to curry favour with the officials. The district officers also wished to be popular by supporting the party which was supposed to be running the movement. The district officers did not like the local Muslim League and, therefore, it was their policy to set up a rival party.

Q. Why were the district authorities against the local Muslim League ?

A. Because the Muslim League used to criticise the local administration.

To Mr. Nazhar Ali Azhar :-

Q. When were you arrested ?

A. On 6th March after Friday prayers. The statement of Mr. Daultana of 6th March had by that time been published.

To Mr. Asadullah Khan :-

- Q. Do you know that during the disturbances some of the Ahmadis were made forcibly to recant their faith ?
- A. Yes. that is true. An interesting situation arose at the time of recantation of these men. Ordinarily when a person embraces Islam, all that he is required to do is to recite the Kalima, but the Ahmadis were already Kalimago. The Maulvis, therefore, invented a new formula which was in the form of the denunciation of Mirza Ghulam Ahmad.
- I do not know whether these men later reverted to Ahmadiyyat.

B.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

Sd. M.R. KAYANI.

MEMBER.

22nd October 1953.

WITNESS NO. 81 (Called by Court) :-

Sufi Ghulam Nabi Bhatti son of Azal Ilahi, trader,
Sialkot, on S.A. : -

(The witness was not here during the disturbances and wishes to give evidence of what people stated to him on his return from Karachi after the disturbances. Evidence is disallowed.)

Sd. M. MUNIR.

PRESIDENT.

Sd. M.R. KAYANI.

MEMBER.

20th October 1953.

WITNESS NO. 82 (Called by Court) :-

Muhammad Yusuf son of Muhammad Ramzan, depot holder,

Sialkot, on S.A. :-

Exhibit D.E. 107 is the written statement that I now submit to this Court of Inquiry.

Q. Where were you when there was firing near Dar-ul-Shahabia ?

A. I was at a distance of about 100 feet from where the police were firing.

Q. Why did the police fire ?

A. I did not see what happened inside Dar-ul-Shahabia.

What I saw was that the police raised their lathis and lathi-charged the mob. The mob was not asked to disperse prior to its being lathi-charged. The Deputy Commissioner was then present. Simultaneously with the lathi-charge there was firing. The firing also was without any previous warning.

XXn:- Nil.

B.O. & C.C.

SI. N. MUNIR.

PRESIDENT.

SI. M.B. KAYANI.

MEMBER.

22nd October 1953.

WITNESS NO. 83 (Called by Court) :

Agha Sikanter Ali Khan son of Muhammad Riaz,

Dentist, Sialkot, on S.A. :-

Q. Are you literate ?

A. Yes.

Q. Can you write Urdu ?

A. Yes.

Q. Is the statement Ex.D.8.108, in your handwriting ?

A. No. It is not in my handwriting but it bears my signature.

Q. Who wrote this statement ?

A. Maulvi Muhammad Ali Kandhalvi. He wrote such statements for certain other persons also.

Q. Why did you not write the statement yourself ?

A. Because I was very busy.

I was arrested in connection with the disturbances on 17th March. My arrest was under section 3 of the Punjab Public Safety Act. I took no part in the disturbances. what I know is based on hearsay.

XXa. :- Nil.

S.D. & J.C.

Sl. M. MUNIR.

PRESIDENT.

Sl. M. B. KAYANI.

MEMBER.

22nd October 1953.

WITNESSES NO. 84 (Called by Court) :

Muhammad Iqbal son of Malik Allah Din, business,
Rangpura, Sialkot, on S.A. :-

Q. Was your statement written by Jau ana Kandhalvi ?

A. No. This statement was written by one Muhammad Husain who is my friend.

I belong to the Jinnah Awami League. Previously I was a member of the Muslim League. On 2nd March 1953 a meeting of the public was called by the Deputy Commissioner. I was also called and was present. And so was Khawaja Muhammad Saffar, President, City Muslim League. During the meeting the Deputy Commissioner said that up to that time he had not taken any drastic action but that he had now received instructions from the higher authorities and would deal with the situation firmly. Khawaja Muhammad Saffar also said that the slogans of "Muslim League Muris Bad" which had been heard on the previous day were not to be repeated and that if repeated they would not be tolerated. Khawaja Muhammad Saffar also said that both the Central and the Provincial Muslim League were against the agitation.

Q. Did you see what happened inside or outside Dar-ul-Shahabia ?

A. Yes. I was outside the Dar-ul-Shahabia. I did not see what happened inside. The Deputy Commissioner was standing outside Dar-ul-Shahabia.

The time was about 8-30 O'clock in the morning. Every respectable man who intended to proceed to the Dar-ul-Shahabia was stopped by the Deputy Commissioner. The Inspector, the A.S.P. and Mr. Khalid were with the District Magistrate. There was also a posse of Police there. I was also stopped. Maulvi Muhammad Yaqoob came near the wire-gauzed door of the Dar-ul-Shahabia which was closed from inside. I saw S.I. Saeed Shah and some police constables run in the street and go behind the Dar-ul-Shahabia. after this I heard some noise but did not see what happened inside the Dar-ul-Shahabia. I then left the place and paddled away on my bicycle.

Q. Is the S.I. Saeed Shah an Ahmedi ?

A. I do not know.

Q. Did you see any other officer run in the street with S.I. Saeed Shah ?

A. No. There were only some police constables running with him.

Mr. Khalil-ul-Rahman, A.S.P. was standing with the Deputy Commissioner outside Dar-ul-Shahabia. I did not see him leave the Deputy Commissioner and go inside

Dar-ul-Shahabia.

Q. Did you see any military outside Dar-ul-Shahabia ?

A. I saw some military tanks standing at a little distance from the place where the Deputy Commissioner was standing.

On 14th or 15th March we saw some people come running from the Fort. They appeared to have been beaten.

They were raising an outcry. I discussed the matter with

Mr. Nasir, a member of the Jinnah Awami League.

Both of us decided to see the Deputy Commissioner.

Accordingly on the following day we went to the Deputy

Commissioner's house. When we were at the house of Mr.

Nasir, two men, whose names I do not know, came there and

complained of their having been beaten on the back. I

saw that they had some injuries on their backs. As

arranged we saw the Deputy Commissioner and mentioned to

him what we had seen. He said that he would resign if the

case against the Maulvis was withdrawn. We said that the

people were terrified and that excesses were being

committed on them. He said that he would put the city

under Martial Law. We then left. Hearing that I was

going to be arrested, I left the town and went away some-

where. In my absence warrants were issued for my arrest

as well as for the attachment of my property. I surrendered on 4th April. I remained in jail for twelve or fourteen days. I was prosecuted under sections 21 and 26 of the Punjab Public Safety Act. My counsel gave a written undertaking that I was not in favour of the Ahirar movement.

Cross-examination by Mr. Ijaz Ali on behalf of the Punjab Government :-

- Q. Is this the apology that you signed, Ext.D.A.109 ?
A. Yes.
Q. Have you been on police register No. 10 for the last 15 years ?
A. No. I know nothing about it.
Q. Are you not required from time to time to appear at the police station with other badmashes ?
A. It is entirely untrue. Nothing of this kind happened after the establishment of Pakistan.

There have been several cases against me for assault or disorderly conduct but none involving moral turpitude.

Cross-examination by Mr. Iqbal Ali Khan on behalf of Mr. Daultana :-

- Q. When did you leave the Muslim League ?
A. In 1953.

A.O. & A.C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.B. KAYANI.
MEMBER.

22nd October 1953.

WITNESS NO. 85 (Called by Court) :

Siraj Din son of Imam Din, Contractor, Sialkot,
on S.A:-

I was on the road outside Dar-ul-Shahabia at a distance of hundred or hundred fifty yards. I heard some slogans and then there was some firing. I know nothing else. After this I returned home.

Cross-examination by all parties : Nil.

H. O. & A. O.

Sd. M. M. M. M.
PRESIDENT.
Sd. M. B. K. Y. A. N. I.
M. B. K. Y. A. N. I.

22nd October 1953.

WITNESS NO. 86 (Called by Court) :

Habib Ullah son of Khan Hira, resident of Bangpura,
Manufacturer of Sports Goods, on S.A :-

I was near the place where there was women's procession. There was also a large crowd there and they were all shouting Khair-i-Nasrullah slogans. Whenever people raised such slogan-, the police would lathi-charge. Near Dar-ul-Shahabia there was an intensive lathi-charge. Outside the Dar-ul-Shahabia I saw standing the Deputy Commissioner, the Superintendent of police and some other officers. There were also three lorries standing there. The Deputy Commissioner said that Allama Muhammad Yaqub, who was inside the mosque, should be arrested. The door of Dar-ul-Shahabia was shut, but Allama Muhammad Yaqub could be

seen standing inside through the wire-gauze. One Inspector and two Thanedars with some policemen ran into the street and entered the mosque from behind. I was looking through the wire-gauze what was happening inside the mosque. The police lathi-charged inside the mosque and injured some persons, including a few women. They arrested Allama Muhammad Yaqub. After this I sat at a barber's shop and saw Muhammad Akbar and Khawaja Muhammad Saifdar speak something to the Deputy Commissioner. A few minutes afterwards, the Deputy Commissioner ordered the police to fire. One Ghulam Nabi was hit by a bullet and died on the spot. I also saw another man being injured. The Deputy Commissioner ordered the police to take the body of the dead man in possession. When the body was being lifted, somebody threw a stone from the roof of Dar-ul-Shahabia which struck a policeman. The dead body was taken by the people inside the mosque. The Inspector then attempted to go inside Dar-ul-Shahabia in order to retrieve the dead body. He was not, however, permitted by the people to go in. Some more stones were thrown from the roof of Dar-ul-Shahabia. On this the Deputy Commissioner and the other officers retreated into a lane. The body was taken away by the people from the mosque. After a few minutes, the Deputy Commissioner asked some policemen to set a lorry on fire. This was done by a policeman whose number was 722. The military came after this and took positions. A military officer proclaimed that any one who shouted a slogan would be fired upon. A little later, the military actually started firing. We took the body of the dead man to the Connolly Park. A military man announced that the person, who set fire to the lorry, was foot constable No. 722. No military vehicle was set on fire in my presence.

I did not see any fire engine arrive on the scene.

Q. What is the distance between Masjid Nur Hussain and Dar-ul-Shahabia ?

A. Half a mile.

Q. Was there any firing on women ?

A. Yes. This was on the following day. I was then present there. A procession of women was coming and raising slogans of Khatm-i-Nabuwat Zindabad. The police opened fire at the mob. The women lay on the ground and some of them were injured. One person was killed. He was a student of 9th class. The firing went to till evening and I then returned home.

Q. Did the military also fire at the women's procession?

A. Not in my presence.

Q. Not even from house-tops ?

A. No.

Q. Did any one fire from house-tops ?

A. Yes. The police was firing from roofs of houses as well.

I then returned, said my prayers and went home.

I joined one of the batches of volunteers, Master Taj-ul-Din Ansari had proclaimed a masala at hantalai that even if ten thousand or twelve thousand people were killed, it did not matter so long as the doctrine of Khatm-i-Nabuwat remained alive. I was arrested on 8th or 9th March and was released after about a fortnight. In the Jail I was confined in a room in which there was a grinding-mill. There were two other men with me. We were all old men. We were not given any water and when, on the following

day, I complained of it to a jail officer, he supplied some water to us. The Deputy Commissioner came to the jail at 4 O'clock in the afternoon. He was in military uniform and had two other persons with him in the same sort of uniform. There were four convicts also with him. In my views, Fazal was beaten under the orders of the Deputy Commissioner. The Deputy Commissioner himself struck him with a goti. He was very badly beaten. The beating continued for 15 minutes. The man became unconscious and fell on the ground.

I was not beaten because I was an old man.

I saw the Deputy Commissioner inside the jail only once.

Cross-examination by Mr. Ijaz Ali, on behalf of
Punjab Government :-

Q. What was the time when the women's procession came on the 4th March ?

A. 1 O'clock.

There was no curfew in force at the time of the women's procession.

Q. Were the Deputy Commissioner and other officers stoned, outside Dar-ul-Shahabia on 4th March ?

A. No.

Q. Did you notice any policeman being injured there ?

A. No.

To Court :-

I would not be able to indentify the man who set fire to the lorry.

Q. What is Khatm-i-Nabuwwat ?

A. That no Nabi should appear after our Holy Prophet.

I could see Maulvi Muhammad Yaqoob being arrested. He was arrested by two Sub-Inspectors.

Q. Did somebody pull his beard ?

A. No. He was merely slapped.

The police entered the mosque with their shoes on. The Maulvi was arrested in that part of the mosque where a man could enter with shoes on. I know the present Superintendent of Police. He kept standing throughout with the Deputy Commissioner outside the Dar-ul-Shenaoia. Only two Sub-Inspectors and two policemen went inside.

Q. Did you then hear any complaint that the police had entered the mosque with shoes on ?

A. I did not.

A. O. & A. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.A. KAYANI.
MEMBER.

22nd October 1953.

WITNESS NO. 87 (Called by Court) :

Zahur Ali son of Mian Muhammad Hamzan, Manager,
Oriental Sports, Sialkot, on solemn affirmation :-

I can read but cannot write Urdu. A man was sent to me by Maulvi Muhammad Ali Kandhalvi with a letter addressed to the Court of Inquiry. I signed that document which was taken back by the person who had brought it.

On the 3rd March at about 7 or 8 O'clock I was going to my shop. I was stopped by some policemen from proceeding further. There were also some military tanks there. I eventually managed to reach my shop. While I was there I saw a big mob bringing three or four volunteers, coming from Greenwood Street. As a hartal had been proclaimed that day, I shut my shop and set out for my house. Near the Muslim League office I saw some men being beaten by the police. When I reached the Mori Gate I saw a small crowd standing there and shouting slogans. The S.D.O. was standing near those men and was asking them to be peaceful and that nobody would harm them. At this stage came a truck with some policemen in it. These policemen came down and started beating these men. The men ran into a street. I stood watching at a Pan shop. The men who had been beaten came to the creek near the shop on which I was sitting. They asked

the police to arrest them and not to beat them. Then came an officer, (I do not know whether he was a police officer) and he took these men and made them get into a truck. After this I came to Dar-ul-Shahabia. When I was turning a corner in the street, I saw a man being struck on the elbow by a policeman. I asked the policeman why he was beating an innocent man. The policeman asked me to go away. I came down the street and saw a shot-statured Thanedar. There were some policemen with that Thanedar. They all entered the Dar-ul-Shahabia from the back door. I was following them but when I reached near the door, people rushed out from the building. I asked them why they were running away. They said that the Thanedar was beating people inside the building. The people were also saying that the Thanedar had entered the mosque with shoes on.

Q. Was the Thanedar an Ahmadi ?

A. I do not know. The name of that Thanedar is probably Saeed Shah.

I went to the neighbouring field for answering a call of nature and I heard some firing. I returned and saw a man being hit and drop dead. Two policemen came and dragged his body. Then there came a brick from a roof and one of

the two policemen was injured. The policemen ran away and some men from the public came and took away the body. after that I returned home. I came to know that the man who had been killed belonged to our own mohalla. I, therefore, went to say his funeral prayers. The prayers were led by Allama Muhammad Yaqub. In his funeral oration which I can still reproduce Allama Muhammad Yaqub denounced the Deputy Commissioner and said that his revolver had been seized by Sanaullah Thandiar who was an Ahmadi. He said that in order to find a justification for the firing the Deputy Commissioner had the vehicles set on fire.

On 25th I was near the Green Cafe. I saw three men including Muhammad Zam or being brought in handcuffs by a policeman. There was another man accompanying Muhammad / I questioned that man about the bloodstained clothes. Zameer and he was carrying some bloodstained clothes. / He said that the clothes were those of Muhammad Zameer and that they had become bloodstained because of the severe beating administered to him. I also happened to visit the hospital where I saw several wounded people who had been hit with bullets. Before the incident of Muhammad Zameer, I had once gone to Masjid Nur Husain where one doctor, probably Yunus, was addressing some people who had injuries. These men appeared to be villagers. They

complained that they had been thrown from the roof of the Fort. On the same day I saw three or four volunteers belonging to my mohalla who bore injuries. They also said that they had been beaten by the police. I also saw one Muhammad Husain bearing some injuries on his buttocks.

To Mr. Ijaz ali on behalf of the Punjab Government :-

Q. Did you take any part in the agitation ?

A. No.

I have never been a member of the Anar organization.

Q. What is the slip of paper in your hand ?

A. This is a memorandum written by my clerk Muhammad Sarwar.

(On the memorandum were scribbled the relevant dates and main points of the witness's statement.

Q. Did you attend the public meetings held in connection with the movement ?

A. Yes.

I was a supporter of the movement. I did not see any violence on the part of the people except what I have stated above.

Malik Muhammad Sarwar had already given evidence

before this Court.

B. O. & A. C.

Sd. H. MUNIR.

PRÉSIDENT.

Sd. M. R. KAYANI.

M. B. B.

22nd October 1953.

WITNESS NO. 88 (Called by Court) :

Pir Bashir Ahmad son of Ali Ahmad, allottee of Ice
factory, Sialkot, on S.O. :-

I neither took any part in the agitation nor saw
anything and was unjustifiably arrested on 24th March. I
was released on bail on the 6th April and subsequently the
case against me was withdrawn.

XX Nil.

B.O. & A.C.

Sd. H. MUNIR.

PRÉSIDENT.

Sd. M. R. KAYANI.

M. B. B.

22nd October 1953.

WITNESS NO. 89 (Called by Court) :

Sultan Mahmud son of Riza Muhammad, Teacher Islamia
High School, Sialkot, now under detention, on solemn
affirmation :-

I am a refugee from the district of Hoshiarpur and
was a teacher in the Islamia High School at the time of the
disturbances.

I was arrested under section 3 of the Punjab Public Safety Act on 13th March. At the time when the women's procession was lathi-charged on 4th March near Masjid Nur Hussain, I was sitting in a chobara in the mosque. With me at that time was Maulvi Fazal Ahmad who was one of the organisers of the movement and some other men. I told them that the movement was assuming a violent form and that something should be done to stop it lest it should take a still more dangerous turn. At that time, the Masjid had been surrounded by the police and the military. We thought of organising a deputation to wait on the Commissioner who had come to Sialkot. Accordingly at about Asar prayers a deputation went to the Commissioner, but I was not in it. The proposal that the deputation was to convey, with my consent, to the Commissioner was that batches of four or five volunteers should be arrested. The deputation returned and told me that the Commissioner had agreed to the proposal.

After my arrest on 13th March, I was taken to the Fort where the Deputy Commissioner was present. The Deputy Commissioner was in a rage and was talking things which no responsible and decent officer should do. He said that I deserved a bullet and asked me how I was getting money

from India. I told him that he was the head of the district and should talk in a more dignified manner. He said that I was still proud and haughty and should be properly dealt with. He then directed the City Inspector said that he had heard my name for the first time on that day. I was kept for the night at the Fort and sent to the Police Lines on the following day. There, a C.I.D. officer, who had a small stick in his hand, asked me to whom my dead body was to be made over. I said he could dispose of my body as he liked. On this he pulled my chain and asked a police officer to take me away and to bring me when I was needed. I was again brought before that police officer and he put me some questions to which I replied. Thereafter, I was sent to the bayalat in the Cantonment Police Station.

Cross-examination by Mr. Ijaz Ali on behalf of the Punjab Government :-

Q. Did you know if the curfew had been imposed when you went to Masjid Nur Husain ?

A. No.

Q. Did you know if a 24-hour-curfew had been imposed on 3rd March with effect from 1 O'clock in the afternoon?

A. No.

Q. Did you know that an assembly of four or more

persons had been banned under section 144, Criminal Procedure Code, with effect from 4 o'clock on 4th March ?

A. No.

I was in favour of the movement; but wanted to be carried on in a constitutional manner.

To Court :-

I teach Urdu and Arabic at the School. I attended the school on 4th,

Cross-examination (continued) :-

We did our best to appeal to people not to collect in crowds, but nobody would listen to us.

Q. Did you make any speech on the night of 2nd March at Kantalai ?

A. Yes.

Q. Who presided over it ?

A. Maulana Muhammad Ali Kandhalvi.

Q. Were you the first speaker at that meeting ?

A. No, but I do not know who spoke first.

Q. Did you in that speech say the following words :-

"اب تقریرون کا وقت نہیں - یہ وقت آپ کی آزمائش کا ہے -

..... میدان میں نکلو

میں آپ کو یقین دلانا ہوں کہ دنیا کی کوئی طاقت — کوئی حکومت —
 کوئی وزارت اس تحریک کو ختم نہیں کر سکتی — اس تحریک کو اب
 فوجی طاقت یا پولیس بھی نہیں روک سکتی — جو سامنے آئے گا
 پاش پاش ہو جائیگا ہم اپنی تحریک کو اس وقت تک
 ختم نہیں کریں گے جب تک مرزائیوں کو پاکستان سے نہ نکالا جائے۔"

Q. I spoke none of these words.

To Court :-

Q. Then what did you say at that meeting ?

A. I asked the audience to realize that the country was
 ours, the Government was ours and that if they did
 anything which forced the Government to resort to
 violence it would be harmful both to Government and
 the people. I also warned the people that there
 were mischief-mongers among us who would do their
 best to spoil the movement.

Q. Did Allama Khalid Mahmul also take a speech at the
 meeting in Kantalal ?

A. Yes.

Q. Did he, in the course of his speech, declare that
 Khawaja Nazim-ul-Din had become a kafir and that it
 would not be proper to say his funeral prayer ?

A. I did not hear him say anything of the kind.

I do not remember what the other speakers said at

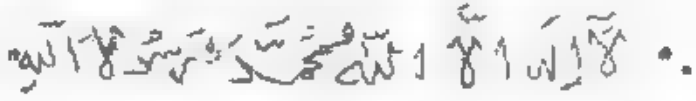
that meeting.

To Court :

I am a Maulvi Fazil as well as Munshi Fazil.

Cross-examination (Continued) :-

I went out of Sialkot on 12th and returned on 13th when I offered myself for arrest. I had come to know at Gujranwala that warrants for my arrest had been issued. I have not been a member of any political party, except the Muslim League.

It was two years before Pakistan came into existence that Maulana Shabbir Ahmad Usmani in the presence of Quaid-i-Azam said to me that the future Government of Pakistan would be according to  . This took place at the house of Sheikh Sadiq Hasan in Amritsar. I was in those days a Professor at an Oriental College in Batala in the Gurdaspur district.

To Court :

- A. Are you now in favour of establishing a religious Government in Pakistan ?
- A. Yes.
- Q. When did you adopt this idea ?
- A. Since I began understanding Islam and studying the Qur'an.

To Mr. Yaqoob Ali Khan :

The Pakistan Resolution was passed by the Muslim League in 1940.

Q. Who persuaded you to join the Muslim League and when ?

A. Maulana Shaobir Ahmad Jafari in 1945.

When he asked me why I did not join the Muslim League, I told him that I feared that the present Muslim Leaguers would not run the State on the lines of an Islamic country.

Q. Did you know that in those days Quaid-i-Azam was the unquestioned leader of the Muslim League and did you at that time have the same apprehensions about the Quaid-i-Azam ?

A. I had no apprehensions about him. I did not think of the Quaid-i-Azam at that time.

Q. Could you think of the Muslim League without thinking of the Quaid-i-Azam in those days ?

A. Yes.

B. O. & A. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

22nd October 1953.

WITNESS NO. 90 (Called by Court) :

Mahmud Ahmad Zafar son of Muhammad Husain,
Teacher, Islamia High School, Sambarial, on S. I :-

On 8th or 9th March 1963 allama Khalid Mahmud handed over some blank papers to me after signing them. He said that I was to hand over those papers in that very condition at his house after he had been arrested. He was arrested two or three days after this. Maulana Fazal Haq, the local dictator, was arrested on 12th. At the time of arrest Maulana Fazal Haq told me that I should go on sending volunteers who were arriving from the surrounding villages, for arrest. The papers signed by allama Khalid Mahmud remained with me up to the 13th March when I handed them over to Sh. Lal Din, a friend of the allama. I was arrested on 28th March. There were four or five papers in all which were handed over to me by the Allama. The Allama told me at the time of handing over the papers that they might be needed by his people for making applications for leave.

To Mr. Ijaz Ali on behalf of Punjab Government :-

The Allama remained in Sialkot from 9th to 12th

March. I did not ask Lal Din what he had done with the papers. I was busy in the mosque from the 12th to the 14th and could not go to the house of the Allama to deliver the papers. I have not yet inquired from Lal Din what he did with the papers.

Q. Did you with the Allama go to the house of Principal, Murray College, Sialkot, last evening ?

A. No.

There was a case started against me under sections 21 and 26 of the Punjab Public Safety Act. Mr. Khalid, the Magistrate, told my father that if I did not apologize, the property of my father would be confiscated. I, therefore, apologized.

Q. Did you make the apology, Ex. D.S. 110, in these terms :

” یہ کہ متاخر نے غلط فہمی اور نادانی سے موجودہ محکوم میں

حصہ لیا ہے — وہ غلطی ہوئی ہے — معاف فرمایا جاوے —

متاخر غیر مشرک طور پر مسافری مانگا ہے — معاف فرمایا جاوے —

a. Yes.

Q. Did you make the following speech :

" نباد سے نباد گرفتاریاں دی جاویں - جیلوں کو بھردو

تا کہ جیلوں کا انتظام ختم ہو جاوے - "

A. No.

I am a Matriculate.

R. O. & A. C.

Sd. M. MONIE.

PRESIDENT.

Sd. M.B. KAYANI.

MEMBER.

28nd October 1953.

ORDER.

adjourned till tomorrow for further
proceedings.

Sd. M. MUNIB.
PRESIDENT.

Sd. M.A. KAYANI.
MEMBER.

22nd October 1953.

23rd October 1953.
Camp Sialkot.

41st Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M. B. Kayani. Member.

Mr. Fazal Ilahi, Advocate, on behalf of Punjab
Government.

Mr. Asadullah Khan, Advocate, assisted by
Mr. Ghulam Murtaza, Advocate, for
Sadr Anjuman Ahmadiyya Bahwah.

Mr. Nazhar Ali Azhar, Advocate, for the
Majlis-i-Ahrar.

Mr. Ghulam Sarwar Pirzada, Advocate, for the
Majlis-i-Amal.

Mr. Yaqub Ali Khan, Advocate, for Mian
Mumtaz Muhammad Khan Daultana.

WITNESS NO. 91 (Called by Court) :

Lt. Col. Khushi Muhammad, 8 Punjab
Regiment, on solemn affirmation :-

Q. When did you move into the town ?

A. We moved into the town at 5-30 a.m. on 3rd
March and reached the Kotwali at 5-30 a.m.

Q. Under whose directions ?

- A. I received through the Station Headquarters a written request by the Deputy Commissioner asking for military assistance.
- Q. Can you give us a general idea of the situation on the morning of the 3rd ?
- A. At 5-30 a.m. on the 3rd, I arrived at the Kotwali. The Deputy Commissioner, the S.P. and some other civil and police officials were present there. They told me at that time that people were gathering and that they expected trouble that morning. They then requested me to send my troops to patrol the city area and after about half an hour I detailed the troops and they carried on patrolling. At about 10-00 a.m. the Deputy Commissioner told me that the crowd was gathering near Dar-ul-Fahhabia on the Bangpura Road. Then I, along with the Deputy Commissioner, the Superintendent of Police, one or two magistrates and some police Inspectors and Sub-Inspectors and a police party, went to the Bangpura Mosque.
- Q. What did you see there ?
- A. I saw about 50 to 100 people in the mosque and some more in the road. The Deputy Commissioner

told them to leave the road and get on with their normal business. Then there was some argument between the Deputy Commissioner and the people. After this, the crowd became threatening. There were about 300 to 400 people on roof-tops, the road and inside the courtyard of the mosque. Later on, when the Deputy Commissioner told them to go away, they started abusing him. He told the police to use force against them. Then some men from the crowd started throwing brickbats on the police.

Q. Was any one injured ?

A. I think a police constable was injured and the Deputy Commissioner told the S.P. that the police should now lathi-charge the crowd.

Q. Was this lathi-charge inside the mosque ?

A. It was on the road.

Then the crowd became infuriated, the brickbats increased, the Deputy Commissioner and the A.S.P. were injured and one of the Sub-inspectors — he was a fat man — was stabbed. Then the police opened fire.

Q. Who ordered the police to fire ?

A. The D.C. ordered the S.P. and the S.P., after warning the people, ordered the police to open fire.

Q. Did you on that day notice any effigies of Government dignitaries ?

A. I did not see any.

Q. What was the result of the firing ?

A. One man was killed and his body was lying on the road. A constable started dragging his dead body while the crowd followed him. I saw the dead body in front of Dar-ul-Shahabia.

Q. Because there was only one policeman and he could not lift it.

Q. Why was it necessary to drag him to Dar-ul-Shahabia

A. I cannot say.

Q. What happened after this firing ?

A. The crowd became still more furious.

Q. Was any one else injured ?

A. I did not see any one else injured.

Q. Did you notice that the crowd became more infuriated when the dead body was dragged ?

A. Yes. When the man was killed and the people saw blood flowing they became more furious.

The people throw stones at the police and the officers who retreated and went inside a house.

The firing by the police was at 10-15 a.m.

Q. Did they go inside Dar-ul-Shahada ?

A. I did not see any one go inside the mosque.

At 11-10 a.m. the situation was handed over to me by the Deputy Commissioner. I had the Deputy Commissioner and the S.P. escorted into a house and myself took charge of the situation.

Q. Before this, did you notice the burning of any vehicles ?

A. Yes.

Q. Did all this happen in your immediate presence ?

A. Yes, because the vehicles were in front of me.

These were one jeep and two trucks.

Q. Were all three set on fire ?

A. Yes.

The vehicles were set on fire at 10-40 a.m.

Q. It is being stated that a police constable set fire to one of these vehicles. Did you hear any such rumour ?

A. I did hear a similar remark on the spot. Some military men were guarding my own vehicles. As a result of inquiries made from these men I was convinced

that it was not a policeman but someone from the crowd who did it.

Q. Did you yourself see the man who set fire to the vehicles ?

A. No. I only saw the vehicles burning.

Later on, when the situation grew uncontrollable, I heard it being said that some police constable had set fire to them. I myself made inquiries in the vicinity of the burning vehicles and gathered that this had been done by members of the public.

Q. Was the fire brigade sent for ?

A. Yes. I heard someone telling another person to call for it, but it did not turn up.

Q. What happened after you had escorted these two officers ?

A. I talked to the crowd and gave them a warning that they were not to cross the ditch, which was in between the road and the open area in front of Dar-ul-Shanasia, and if they did they would be fired upon.

One of the leaders came out of the crowd and said that they wanted the heads of the Deputy Commissioner and the S.P. I told him that I was in-charge of the situation

and if they did not listen to me I would be forced to open fire. They said they would listen to whatever I told them. I then asked them to disperse quietly which they did after a few minutes. Therefore, there was no necessity for me to open fire.

Q. . What happened after this ?

A. . Half an hour later, the crowd tried to set fire to a military jeep which was standing about 200 to 300 yards away. A patrol under another officer had to open fire on this crowd. The officer in charge of that patrol would be in a better position to give statement.

This was on the 3rd March.

Q. Did you see the front door of the mosque shut from inside ?

A. - I did not see the door shut. .

we were just outside the mosque and the police was 20 to 30 yards ahead of us.

Q. When you were speaking to the leaders of the public, did anybody complain to you at the time that some police officer or official had entered the mosque with shoes on ?

A. Not at the time. Later on, I heard that it was so. When the situation was under control, about half an hour later, however, somebody from amongst the crowd made a complaint to me.

Q. Did any one allege that Allama Muhammad Yaqoob, who was inside the mosque, had been caught by the beard ?

A. No.

Q. Did you not see the police actually go into the mosque ?

A. I did not see any.

Q. You have mentioned one A.S.I. having been stabbed. Did you see that police officer yourself ?

A. I saw the police officer myself. He had a stab wound in the stomach from which blood was coming out. I then made arrangements for his admission into the hospital.

Q. Did he have his revolver on ?

A. I cannot say whether he had any at that particular moment.

Q. Did you see the City Magistrate there ?

A. I think he was also there.

Q. Was he also injured ?

A. I cannot say for certain.

Q. Anything that you saw after this on the 3rd March ?

A. After the incident, I went back to the Fort. There I got exaggerated reports that the crowd had set fire to shops and houses in different parts of the city. At 11-45 I got news that in Allama Iqbal Chowk people had set fire to a petrol pump and caught hold of Kh. Muhammad Safdar and that they wanted to kill him. I had a platoon with me and at about 12 noon I rushed to that spot where I saw that the crowd had caught hold of Mr. Safdar and had blackened his face. After due warning the mob dispersed and I caught hold of Mr. Safdar, put him in the carrier and took him to the Fort. The crowd later on followed me, but did not do anything.

Q. Was there any firing by the military on 4th ?

A. Yes.

Q. Once or twice ?

A. We had to fire twice. At about 8-20 a.m., I received information from the police that the crowd was gathering in the Tehsil Bazar area. There is also a mosque there. The crowd was gathering in that mosque. At 8-30 a.m., I myself with a platoon of the army and

two police-loaded vehicles, the Deputy Commissioner, the Commissioner and one or two Magistrates proceeded to the spot, arriving there at 9 a.m. At that time there were about 2000 men on the road and on the roofs of the houses along both sides of the road. I could not see inside the mosque. The police party was leading and the crowd was furious. There was argument going on between the police and the crowd. At 9.3 a.m. the crowd started throwing stones at the police vehicles. The police then lathi-charged, but were pushed back by the crowd, leaving their vehicles in front. At 9.5 the police opened fire on the crowd.

Q. Any casualties ?

A. I did not see any at that time.

Q. Can you tell us the direction of the firing ?

A. The firing was towards the people on the roof-tops and also in the air.

At about 9.10 the Deputy Commissioner handed over the situation to the military. I had a tape put across the road and warned the people, after sounding a bugle, that, if any one crossed it, he would be fired upon. The crowd was still very furious and they started rushing forward towards the tape. Originally one sepoy was ordered to

fire one round, but later on, when the crowd was still pushing forward, two sepoy were ordered to fire one round each. A total of three rounds was fired at that time. Three persons were wounded. At about 9.12 a.m. the mob tried to set fire to the abandoned police vehicle and three more rounds were fired. The crowd then dispersed. At about 9.53 a.m. the crowd again started to cross the tape. They came forward with knives, cut the tape and burnt the army flag.

Q. Did you see any swords ?

A. No.

At about 10 a.m. a warning was again given to the crowd to disperse. They did not. They were standing on the road. They did not, however, cross the line where we had put the tape.

At 10.26 a.m. the crowd again became excited and started rushing forward. After due warning, the platoon commander ordered a sepoy to fire one round. That did not have any effect and two sepoy were ordered to fire one round each. As a result of this firing too we saw three wounded and later on we came to know that one of them had been killed. The mob again dispersed and after about five minutes they were reorganizing themselves.

At 10.33 a.m. a sepoy was ordered to fire one round and later two sepoy fired one round each. The mob then ran back 100 yards towards the mosque. At about 10.45 a.m. one Maulvi came forward and said he wanted to see the Commissioner and the Deputy Commissioner. He was allowed to proceed and at 11 a.m. returned after a short conference with them and went back to the mob and talked to them. Then he brought five or six other leaders with him. They were also sent to the Commissioner and the

Deputy Commissioner who were in the Tahsil building.

There they offered arrest of volunteers peacefully. The Commissioner and the Deputy Commissioner agreed and the leaders were then sent back; after that at 1.30 p.m. I handed over the situation to another Unit. There was no more trouble.

When the tape was cut and we were about to fire, I noticed some women and boys come from a side lane at right angle to the main road, but as soon as they heard the firing, they retreated into the same street. It is not true that some women and boys were brought in front of the mob to serve as a sort of screen.

Q. Is it true that some men started dancing with knives and swords near the tape ?

A. Yes.

To Mr. Ijaz Ali on behalf of the Punjab Government :-

Q. Please state the total number of casualties caused by firing by the military on the 4th March ?

A. So far as we could ascertain, one man was killed and eight or nine wounded.

Q. Do you know if any one of the nine wounded died later?

A. I do not know.

Brigadier Akbar was the senior-most military officer present at the spot on 4th March. He witnessed both the firings that day. He is now on leave.

To Mr. Mazhar Ali Azhar :

I do not know whether for the burning of the three vehicles on 3rd March, any action was taken by the police.

To Court :-

Q. Do you know A.S.P. Khalil-ur-Rahman ?

A. Yes.

Before the firing by the police on the 4th near Nur Hussain's mosque, A.S.P. Khalil-ur-Rahman, some sepoy and some constables were injured by brickbats thrown by the mob. One of the men who came out dancing with knives offered his chest to receive a bullet but I told him that so long as he remained on the other side of the tape, he would get no bullet and that the moment he crossed the tape, he would be fired at. When the firing began, I did not see this man at all. He had disappeared in the crowd.

after the first firing a Maulvi came up and started abusing the army and police describing them as kafir. I told the bugler to blow the bugle. As soon as he heard the bugle he rushed back jumping over the crowd.

B.O. & S.C.

sd. M. MUNIR.

President.

sd. M.R. KAYANI.

Member.

23rd October 1953.

WITNESS NO. 92 { Called by Court } :

Professor R.C. Thomas, Secretary of the Board of

Directors, Murray College, Sialkot, on solemn affirmation:-

- Q. If an application for leave is rejected, what is done to it ?
- A. The usual practice is to record the application and to copy the orders made on it in a register. Sometimes it does happen that on rejection the application is returned to the applicant.

On 9th March 1953 we received an application for leave from Allama Khalid Mahmul who is a Professor of Arabic at our College. The application was rejected. This application is ex.D.F. 111. Again on 12th March 1953 another application, ex.D.F. 112 was received from the Allama. This application also was refused.

The next application from the Allama is dated 12th of May, Ex.D.F. 113. There is also another application, ex.D.F. 114, by the Allama which was received on 13th May 1953.

XXn. Nil.

H.O. & L.C.

Sd. M. MUNIR,
PRESIDENT.

Sd. M.B. KAYANI,
MEMBER.

23rd October 1953.

WITNESS NO. 93 (Called by Court) :

Latif Hussain, Head Constable No. 419, Security Staff, Pasrur, on S.A :-

Q. Did you see any writing on the walls of Jamia Masjid, Pasrur, regarding the Ahmadiis ?

A. Yes.

Q. When was it ?

A. Some time before the Ahmadiyya agitation.

Q. What were the words ?

A. "Mirza Sarkari Nahi hai. Mirzai murtadd hain.

Mirzai shar'an kafiron se badtar hain. Murtadd

wajib-ul-qatal hain."

Maulana Sashir Ahmad was in those days the Khatib of the Jamia Masjid. This writing was in bold letters. The words were written on one side of the mosque.

Cross-examination by all parties : Nil.

A. O. & A. C.

Sd. M. KHALIL.

PR-SIDANT.

Sd. M.A. KAYANI.

23rd October 1953.

MEMBER.

WITNESS NO. 94 (Called by Court) :

Muhammad Ali, Foot Constable No. 722, on S.A.:-

On 3rd March I was on duty near Dar-ul-Shahabia.

I did not get fire to any vehicles near Dar-ul-Shahabia. I was on duty at a distance of about 100 karas from where the vehicles were burnt. But when there was brickbattling I was running helter-skelter.

Cross-examination by all parties : Nil.

SD. M. MUNIL.
PRESIDENT.

SD. M.H. KAYANI.

23rd October 1953.

WMBB.

WITNESS NO. 95 (Called by Court) :

Fazal-i-Karim, Head Train Clerk, Railway Station, Sialkot, on solemn affirmation :-

The exact time of departure of 147 Up, which leaves for Paurur, was 13.4 on 1st March. The first time of its actual departure on that day was 13.17, but the train could not proceed on because somebody pulled the chain, it stopped and again left at 13.25. The scheduled departure of the train is not shown in the papers which are now with me. But in the register the detention is stated to be 16 minutes.

There was a large crowd on the Railway Station and it had entered the Station without purchasing platform tickets. On that day no damage was caused to the train.

After the departure of this train, 140 Down from Narowal arrived 39 minutes late. The scheduled time of arrival of this train is not given in my papers. I do not know if the train that came from Narowal on that day

had in any way been damaged.

I saw the Deputy Commissioner at the railway platform on that day. I did not see the Deputy Commissioner shake hands with the volunteers. There were several Maulvis with the Kazakars. One of them was Maulvi Muhammad Yusuf.

The explanation for the detention of 147 Up, as stated in my records, is :-

1st out	..	13.17	} = 16 minutes late.
2nd out	..	13.33	

Chain pulled by public."

The figure "16" has been written over the figure "27" by the Station Master. The original "27" was in the handwriting of the Assistant Station Master on duty.

Cross-examination by the Parties : Nil.

D. O. & C. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.A.KAYANI.
MEMBER.

23rd October 1953.

WITNESS NO. 95 (Called by court) :-

Mr. salam Hayat, Assistant Superintendent of District Jail, Sialkot, on solemn affirmation :-

Q. It is alleged that you jail people beat and maltreated the Ulama and other respectable citizens

of the town who had been sent to jail in connection with the disturbances. Do you know anything about it.

A. During the days of the disturbances, the senior-most officer in charge of the jail was the Superintendent of Jail. The next officer was Sheikh Asim Ali, Deputy Superintendent. I come third. The Deputy Commissioner came to the Jail in the month of March twice or thrice but I cannot tell you the date. I remember, however, that once I came to the office and found that the Deputy Commissioner together with certain other officers had gone inside the jail. I went to the place where the Deputy Commissioner and the Deputy Superintendent of Jail were. I saw that three or four men, who had been imprisoned in connection with the disturbances, were being beaten in the presence of the Deputy Commissioner and the Deputy Superintendent of Jail. They were being slapped.

Q. Who was slapping them ?

A. The convict warders.

On that day I did not come across any injured prisoner who was moaning.

In the course of a casual talk I enquired from the Deputy Superintendent why the prisoners had been beaten. Whatever he said did not satisfy me at all.

According to the visitors' register, the Deputy Commissioner visited the jail on 22nd and 27th March 1953. He did not visit the jail in the month of April 1953. It is quite possible that the Deputy Commissioner did come to the jail but that no entry regarding his visit was made.

To Mr. Fazal Ilani on behalf of Punjab Government :

Q. Who was the Superintendent of Jail in those days ?

A. Chaudhri Ghulam Rasul.

Q. When was he transferred ?

A. Probably in the month of March 1953.

Q. In the ordinary course or on complaint ?

A. I cannot say. He was transferred suddenly.

The Deputy Superintendent Jail was transferred last month. There used to be slogans inside the jail when other prisoners in connection with the disturbances were brought for admission. Otherwise there was no flagrant

instance of breach of discipline.

(witness No. 72 Nazfer Ahmed shown to the witness.)

Q. Did you see this man being beaten inside the jail ?

A. I cannot say with certainty.

A. Q. & A. C.

3d. M. MUNIR.

PRESIDENT.

3d. M. B. KAYANI.

MEMBER.

23rd October 1963.

WITNESS NO. 97 (Called by Court);

Mr. Altaf Ali, Station Master, Sialkot, on
solemn affirmation :-

I was Station Master of Sialkot railway station
during the disturbances. Exhibits D.E. 115 and D.A. 116
are the reports which I sent to the higher authorities
about the irregular running of the railway trains and
of what happened on the railway station on 1st March 1953.
The Guard of 140-Down train sent to me intimation by
wire that about 500 persons who were refusing to show their
tickets and pulling chains were returning to Sialkot.
140-Down train reached 39 minutes late.

EX : Nil.

B. O. & C.

Ed. M. MUNIR.

PRESIDENT.

Sl. M. A. KAYANI,

MEMBER.

23rd October 1953.

WITNESS NO. 98 (Called by Court) :

Ataullah son of Qazi Zahur Ilahi, Painter, Faisalpur,
on S.A :-

I am a pupil of Muhammad Husain. Sometime before
the anti-Ahmadiyya movement I was taken by Muhammad

Husain to the Jamia Masjid, Pasrur, where something had to be written by him on the wall. The following four sentences were written by us on the northern side of the mosque :-

" مرزائی مرتد ہیں "

مرزائی شوقاً واجب القتل ہیں

مرزائی کافروں سے بدتر ہیں

مرزا سرکاری نہیں ہے "

Xxx. Nil.

B.O. & A.C.

Sd. M. MONIB.

PRÉSIDENT.

Sd. M.B. KAYANI.

MEMBER.

23rd October 1953.

WITNESS NO. 99 (Called by Court) :

Allama Muhammad Yaqoob, resident of Sialkot, on solemn affirmation :-

I am a Tabib by profession.

Q. What happened on 3rd March in Dar-ul-Shahabia ?

A. On the night of 2nd/3rd March, I came to know that warrants for my arrest had been issued. It so happened that on that night I was absent from home. at about 9.45 on the morning of 3rd March I came to Dar-ul-Shahabia to offer myself for arrest

because I was told that there was some police there. I found Maulana Fazal Haq, the dictator of the movement, and a few others sitting in the mosque round which there are some rooms which constitute a school. In between the mosque and these rooms there is open space. I prepared myself for arrest within five minutes. The main gate of the building is at a distance of 20 yards from the mosque. I went to that gate. In the open place about 100 people were present. They were shouting slogans of "Na'ara-i-Takbir, Khatm-i-Nabuwwat" and "Na'ara-i-Risalat". I found the gate which has iron bars locked, probably from inside. There must have been 100 or 150 people standing outside the gate. There is a back door to the building and while I was still standing near the main gate, the police entered from the back door. I then saw that there was a lathi-charge by the police in the open space. I notice only one police officer and he appeared to me to be a Thanedar. The lathi-charge came up to the front door where I was standing. There I offered myself for arrest. The Sub-Inspector formally arrested me

and I accompanied him to the back door.

Q. Did any one pull your beard ?

A. Definitely not.

In the place where people were lathi-charged, one can, without committing any sacrilege, walk with shoes on because that place is not a part of the mosque. I was garlanded by the public. Three or four other people had to offer themselves for arrest with me and we were all garlanded before the lathi-charge. When we came out of the back door, another Thaneidar joined us and we all went to the place where the Deputy Commissioner and other officers were standing. I found the crowd intensely excited. While I was standing near the Deputy Commissioner, there came a shower of brickbats from the roofs of the surrounding houses and the Dar-ul-Shahabia. Immediately after this I heard reports of firing. The place where the Deputy Commissioner was standing was near the front door of Dar-ul-Shahabia. The firing was near a mosque where I used to deliver Friday sermons and which is opposite to the main gate of the Dar-ul-Shahabia, there being only one bazar between the two.

When I heard gun reports, I spoke to the Deputy

Commissioner telling him that the situation was taking an unexpected and serious turn and that I should be permitted to go and address the public. He permitted me to do so. While I was on my way, some bricks struck me, but the thick garlands round my neck served me as a pad. I did not hear the Deputy Commissioner give any order to fire. I heard only two shots. The crowd, which was being fired upon, was at a distance of 20 to 30 yards from where I was with the Deputy Commissioner. In between the crowd and the Deputy Commissioner, there were two or three policemen with rifles. I returned to Dar-ul-Shanabia. I had hardly sat down when a noise was heard that a man had been killed. I together with the Dictator went to the loud-speaker and, addressing the crowd, advised them not to be violent and warned them that if any violence was used it would be harmful to the sacred cause and contrary to the wishes of the leaders of the movement. Quiet prevailed for 15 or 20 minutes and after this we heard that some vehicles were being burnt. I reprimanded people for this, but they said that the vehicles had been set on fire by the police. I was also told the number of the policeman who had set them on fire.

I sat in the mosque for two or three hours and at about zunar-prayer time, when I came out, I saw the burnt vehicles and scattered groups of people moving. I also heard that the dead body of the man who had been killed was being paraded in the streets.

Q. Did you see Khawaja Muhammad Saifur on the 1st or 2nd of March ?

A. Yes. It was after the date of the procession of Maulana Muhammad Yusuf and the incident in Dar-ul-Shahabia.

Q. Did he mention to you how the volunteers and the crowd had behaved when they set out for Karachi from Railway Station Sialkot on 1st March ?

A. Yes. He said that he disapproved of the slogans which had been uttered against the Muslim League and Khawaja Nazim-ud-Din. I said that I also disapproved of this and that I would try not to let the things repeat themselves in future.

Kh. Muhammad Saifur also asked me if I had heard of what had happened in connection with the procession of Maulvi Muhammad Yusuf and subsequently. He added that the travelling of the volunteers by train without purchasing

any tickets, causing damage to railway property and also causing other damage on their return journey were all disgraceful. I said I agreed with him and that all this was a matter of shame.

At Ramtalai there was a public meeting on the night of 2nd March and people asked me to disclose what had passed between Khawaja Muhammad Saffar and myself. I shortly disclosed what we had talked about and I also addressed the audience advising them to remain calm and peaceful and warned them that any violence would be disastrous to the movement which we had started. In my talk with Kh. Muhammad Saffar I had also pointed out that the demands had a constitutional aspect. I revealed this part of the conversation also to the audience and told them that, if the matter was pursued in a constitutional manner, victory was certain for us. In the course of the procession of 1st March, I had also noticed people carrying about a stuffed sack formed into the semblance of a human body, which apparently represented Khawaja Nazim-ud-Din.

Cross-examination by Mr. Fazal Ilahi on behalf of
Punjab Government :-

I was arrested on 5th March.

Cross-examination by Mr. Mazhar Ali Azhar, on behalf of Majlis-i-Ahrar :-

I led the prayers at the funeral of the person who had been killed on 3rd March.

Cross-examination by other parties : Nil.

H. O. & A. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

23rd October 1953.

O R D E R.

Adjourned till 26th October 1953 for further proceedings at Lahore.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

23rd October 1953.

26th October 1953:

42nd Sitting.

President :

Hon'ble Mr. Justice Ahmad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M. A. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Basfir Ahmad, Advocate, assisted by
Messrs. Asadullah Khan, Abdul Rahman Khadim
and Ghulam Murtaza, Advocates, for Sair
Anjuman Ahmadiyya, Rawalpindi.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Mr. Fatah Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Isha'at-i-Islam.

Mr. Said Malik, Amir-i-Jama'at-i-Islami.

Mr. Yaqub Ali Khan, Advocate, for Mr.
Daultana.

ORDER.

The written statements of officers who have
claimed privilege against disclosure of official secrets

contained in those statements, are open to the inspection of the parties from today to Saturday, the 31st October. This permission is subject to the order under section 74 of the Ordinance that the information derived from official records shall be treated as secret. The examination of the following officers :-

1. Hafiz Abdul Majid, Chief Secretary,
2. Mr. S. Ghiasuddin Ahmad, Home Secretary,
3. Mr. I. U. Khan, Commissioner, Lahore,
4. Mr. Anwar Ali, Inspector-General of Police,
5. Sayyad Ijaz Husain Shah, Deputy Commissioner, Lahore,
6. Mirza Naeem-ud-Din, Senior Superintendent of Police, Lahore,
7. Khan Ghulam Sarwar Khan, Deputy Commissioner, Sialkot,
8. Malik Hasib Ullah, Assistant Inspector-General,
9. Major-General Muhammad Azam Khan, J.O.C.,

will be taken up next week from Tuesday, the 3rd November, in the order to be announced on Friday, the 30th October.

The programme for the current week is as follows :-

- Tuesday, the 27th October :
1. Maulana Akhtar Ali Khan, and
 2. Mr. Baqar Khan ;
- Wednesday, the 28th October:
1. Mr. Muhammad Shafi,
 2. Khawaja Nazir Ahmad, and
 3. Muhammad Amin Ihsan Islahi ;

Thursday, the 29th October : 1. Mufti Sayyid-ul-Din,
and
2. Sayyid Muhammad Ishaq;

Friday , the 30th October : 1. Capt. Muhammad Hanif,
and
2. A.I.S.I. Abdul Karim;

The following witnesses from Karachi :-

1. The Hon'ble Ch. Muhammad Zafarullah Khan,
2. The Hon'ble Mr. Gurmiani,
3. The Hon'ble Sardar Bahadur Khan,
4. Khawaja Nazim-ul-Din, ex-Prime Minister of Pakistan,
5. Mr. I.I. Caudrigar, ex-Governor of the Punjab,
6. Sardar Abdurrah Nishtar,
7. Mr. Sikandar Mirza, Defence Secretary, and
8. Maulana Ahtisham-ul-Haq,

will be examined from 9th November to 5th December, on
dates which will be previously announced.

Witnesses cited by Mr. Daultana will be examined on
the following dates :-

- | | |
|---|---|
| 1. Ch. Muhammad Husain Chatha, | } ex-Ministers,
Punjab, on
10th November, |
| 2. Sufi Abdul Hamid | |
| 3. Sayyid Ali Husain Gardazi, and | |
| 4. Ch. Fazal Ilahi Piracha | |
| 5. The Hon'ble Sardar Abdul
Hamid Dasti, and | } Minister ,
on 11th November, |
| 6. The Hon'ble Sardar Muhammad
Khan Leghari, | } Minister ,
on 11th November, |

- | | | | |
|----|---------------------------------|---|-------------------|
| 7. | Mir Nur Ahmad, and | } | on 12th November. |
| 8. | General Secretary, All Pakistan | | |
| | Muslim League, | | |

The date for the examination of Mr. Daultana will be fixed later.

Mr. Bashir Ahmad should state the date on which Mirza Bashir-ud-Din Mahmud Ahmad, head of the Ahmadiyya community, will be available for examination.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.R. KAYANI.
MEMBER.

26th October, 1953.

27th October 1953.

43rd Sitting,

Present :

Hon'ble Mr. Justice Muhammad Anir,
Chief Justice, President.
Hon'ble Mr. Justice M.S. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government, assisted by Mr. Ejaz Ali.

Ch. Yaqoob Ali Khan, Advocate, assisted by
Malik Abdul Aziz, Advocate, for
Mr. Daultana.

Mr. Bashir Ahmad, Advocate, assisted by Messrs :
Asadullah, Ghulam Murtaza and Abdur Rahman
Khadim, Advocates, for Saif Anjuman-i-
Ahmadiyya Sabwah.

Mr. Nazhar Ali Azhar, Advocate, for the Majlis-
i-Ahrar.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Isha'at-i-Islam.

Mr. Saeed Malik for the Jama'at-i-Islami.

Maulana Dauli Ghaznavi, Member, Majlis-i-Ahwal.

WITNESS NO. 100 (Called by Jama'at-i-Islami

M. Muhammad Baqar, Businessman, now Central Jail,
Lahore, on 2.10.53

Q. When were you arrested ?

A. On the night of 13th March.

I was a member of the Majlis-i-Shura of Jata'at-i-Islami. I was also Amir-i-Halqa Multan.

Q. What was the attitude of the Muslim League to the Khatm-i-Nabuwat Movement ?

A. I can only speak about Multan. There this movement started in July 1952. The local officials there imposed section 144 in the beginning of July, banning processions and probably banning assembly of five or more persons in public places. On 17th July, the meeting of the local Majlis-i-Amal, which had been constituted earlier, took place. I was not a member of that Majlis but I attended the meeting which was held after asr prayer in Masjid Gul Faroshad. The following day, which was a Friday, was to be celebrated as Yaum-i-Mutallibat. The Majlis-i-Amal decided that in view of the imposition of section 144 no public meeting should be held or any procession taken out on that day. Contrary to this decision it was proclaimed on Friday morning that a public meeting would be held in Masjid Janazangah, which was presided over by Mahmud Shaukat Hussain

Gilani. That meeting was held and I came to know that it had been addressed by a Muslim League M.L.A., Makhdumzada Wilayat Husain Shah. One of the utterances of the Makhdumzada Sahib got immediate currency throughout the town and that was this :

" We will shed our blood where other people shed their sweat over the Khatm-i-Nabuwat Movement."

A procession was taken from the place of the meeting and it entered the town before Maghrib prayer. On the following day the Kup incident occurred.

A few hours after the firing prominent people of the town met in Darbar Pir Sahib. Among those who were present were Khawaja Abdul Hakim Sahib, President of City Muslim League, Makhdumzada Wilayat Husain Shah, who is a Muslim League and an M.L.A., and Makhdum Shaukat Husain Gilani.

From there we went to the place of Kup incident. Mr. Abdul Jabbar Khan also joined us from Masjid Wali Muhammad. Mr. Abdul Jabbar Khan is the Secretary of the District Muslim League. The situation was discussed with the Deputy Commissioner, who also arrived on the scene. The Deputy Commissioner permitted the dead bodies to be taken in a procession to the graveyard. Consequently, a procession was organized and it was led by Mr. Abdul Jabbar Khan. Mr. Abdul Jabbar Khan himself was citing the slogan :

" Blood for blood "

Next day arrived a deputation from Lahore. A Defence Committee was organized in Multan, comprising Sheikh Behanudin, a Muslim League M.L.A. Sayyed Sahib Ali Shah Gardezi, a member of the local Working Committee of the Muslim League, Sayyed Muhammad Raza Shah Gardezi, who is probably a councillor of the City Muslim League, Makhdum Shaukat Husain Shah and Mr. Abdul Jabbar Khan. Mr. Mahmud Ali Qasuri, Advocate who was on his way to Karachi, got down at Multan. He stayed elsewhere but sent a message to us offering his services. I placed Mr. Qasuri's offer before Maulana Muhammad Ali Jullundhri. Maulana Jullundhri said that since Mr. Qasuri belonged to the opposition party, the acceptance of his offer might offend the Muslim League.

Some time in August, but a day or so before Sugar Id, a meeting was held to collect funds for the Khair-ul-Nabuwat Movement. This meeting was presided over by Makhdum Ghulam Husain Shah Gilani, then M.L.A. and President of the Multan District Muslim League. He is now a Minister in the Punjab Cabinet.

In February 1953 the situation took a sudden turn. The ultimatum, which had been given to the Prime Minister of Pakistan, began to be splashed in the newspapers, particularly in the "Zawinder". My own personal view was

that the ultimatum was, in the existing conditions, a mere empty threat and would not succeed. The local members of the Jama'at-i-Islami took the same view. In a few days, however, things began to flare up. I intended to refer the matter to my head-quarters in Lahore, but it so happened that Maulana Tufail Muhammad, Secretary-General of Jama'at-i-Islami, happened to come to Multan on his way to Dera Ghazi Khan. I discussed the matter with him. He told me that the ultimatum was unconstitutional because it had not been authorised by the Central Majlis-i-Amal. He added that this matter had been discussed by the Majlis-i-Amal, Punjab, but that because the only body competent to issue this direction was the Central Majlis-i-Amal, it had no validity. He was hopeful that when the Central Majlis-i-Amal took up the matter in the near future, the Jama'at would be able to convince them of the futility of any such step. He was of the view that any direct action was likely to interfere with the constitutional recommendations made by the Ulama at Karachi which were wide enough to include the question of Ahmadis. The Jama'at, of course, was on principle against the taking of any unconstitutional step. Some days before or after this incident, we received a formal communication

from our headquarters at Lahore prohibiting the members of the Jaza'at from signing any pledges which were being subscribed to by the public in those days. On 20th February was celebrated the 'Intibah Day' Multan. At the meeting held on that occasion Sayyid Ahmad Saeed Kazmi, Councillor, Punjab Muslim League, made a speech to the effect that every Mussalman should sacrifice everything for the sake of the Khawm-i-Nabuwat Movement. No arrests were made in Multan and the first procession there was to be taken out on 1st March 1933. I sent Sayyid Naseer Ahmad, Amir-i-Zila, to Lahore for getting instructions. I advised him to suggest the calling of the Majlis-Shura before whom the matter should be placed. The same day was held a meeting of the Majlis-i-Amal which I also attended. While I was going to the meeting of the Majlis-i-Amal I met Sayyid Alamdar Hussain Shah Gilani in the compound of the Durbar. I asked him if he had brought any instructions from the League High Command at Lahore from where he had probably returned that very day. He said that he could not definitely ascertain the policy in Lahore and it could best be described as "neeme baroon neeme daroon". I told the Majlis-i-Amal that I had, on behalf of the local Jaza'at, referred the matter to our headquarters and that I could not commit myself unless I received definite instructions. I issued instructions

instructions to the local workers of the Jama'at not to take any part in the agitation. I also had similar instructions sent to my subordinate organizations. I came up to Lahore on 3rd March 1933. I took part in the deliberations of the Majlis-i-Shura which was held on the 4th and 5th March. I returned to Multan on 6th after the proclamation of Martial Law in Lahore. On arriving there I learnt that a huge procession, numbering about fifty thousand, had been taken out in the city after the Friday prayers and was led by Makhdoom Sayyed Alauddin Husain Shah Gilani and Makhdoom Shaukat Husain Shah. On 12th March the Deputy Commissioner called a meeting of prominent people of the town. It was attended by about 300 leading men of the town including myself. Addressing the meeting the Deputy Commissioner said that every Mussalman believed in Khair-i-Masumat but that since the only volunteers who were offering themselves for arrest were villagers and no man from the town was joining the volunteers, it was better that the movement should be called off. He asked those present if any of them could make any proposal on the subject. Before this meeting it had been generally proclaimed that the Punjab Government had accepted the demands and was about to send a Minister to Karachi to persuade the Central Government to concede

the demands. At that meeting I expressed the view that since the Punjab Government had agreed to accept the demands, we should express the same opinion because the only alternative left at this juncture were either to crush the movement by force or to accept the demands. This proposal was supported by Sayyed Ahmad Saeed, Councillor of the Punjab Muslim League and President of the local Majlis-i-Amal. Sardar Abdul Jabbar Khan spoke something inconsistent. In the first place he said that he agreed with my proposal but subsequently remarked that nothing should be done which might injure the country. Questioned about his views. Mahdum Alamar Hussain Shah Gilani said that in this matter he would follow the verdict of the Ulema, pointing towards me. The Deputy Commissioner then dismissed the meeting. I was arrested on the following day under section 3 of the Punjab Public Safety Act.

To Mr. Nazhar Ali Azhar on behalf of the Majlis-i-Ahrar:

Q. Did anyone of your Jama'at publicly proclaim from 18th January to 28th February that the Jama'at was against the ultimatum?

A. No.

Q. If the Central Majlis-i-Amal had decided to support

the ultimatum, would the Jama'at-i-Islami have been bound by the decision ?

- Because any such decision would have been opposed to the principles of the Jama'at-i-Islami, the Jama'at would have dissociated itself from the action.

To Court :

- Q. Did the statement of Mian Tufail Mohammed, dated 18th February and published in the 'Tasneem' of 20th February, Ex.D.4. 73, come to your notice ?

- A. Yes. It is quite consistent with what Mian Tufail Mohammed had earlier said to me.

XXn. by Mr. Nazhar Ali Nazhar continued :

- Q. Do you know that Maulana Maududi made the following public statement on 27th February, Ex. D.5. 117, which was published in the 'Tasneem' of 1st March 1953 :

"حکومت پاکستان نے کراچی میں مجلس عمل کے چند راہنماؤں اور دوسرے بے شمار افراد کو گرفتار کر کے پھر ایذا مرتبہ اس امر کا ثبوت بہت پہنچایا ہے کہ ہماری حکومت اس وقت ایسے لوگوں کے خلاف میں ہے جو عقائد و تدبیر سے محروم نہیں پچھلے جنور، میں جب غلصہ پر تشدد کیا گیا تھا اس وقت بھی میں نے انکی بے تدبیروں کا ماتم کیا تھا۔ اور آج پھر اس کا ماتم کرتا ہوں۔ کیا اس حکومت میں اب ایسا آدمی بھی ایسا نہیں رہتا ہے جو ایسا تعاندی کی سطح سے زیادہ بلند سطح پر سوچ سکے۔ ان کو یہ کیسے سمجھایا جائے کہ ان کی جمہوری نظام میں عوام کے حائز اثر معقول مطالبات کو نٹانے کے زور سے دبانے کی کوشش۔ حکومت کو غیر مقبول اور عوامی تائید سے محروم تو کر سکتی ہیں مگر عوامی مطالبات کو زیادہ دیر تک روک نہیں سکتیں۔

جو لوگ عوام کے نمائندے بن کر حکومت کر رہے ہوں ان کیلئے طریق کار یہ ہے کہ با توازن و فیض مطالبے کو دلیل دیکر عوام کو مطمئن کریں کہ اسکا مطالبہ صحیح نہیں ہے یا اسکو سیدھی ترجیح تسلیم کر لیں یا میدان سے ہٹ جائیں۔ حکومت پاکستان سے ان

تینوں صورتوں سے کوئی صورت اختیار نہیں کی ہے اور اس مطالبے کو جو قوم کے سواد اعظم کی طرف سے پیش کیا گیا ہے - زبردستی دہانے پر تل گئی ہے - اس حلقہ پالیسی کا انجام یہ تو نہ ہوگا کہ قومی مطالبات پورا نہ ہوگا البتہ اسکا انجام صرف یہی ہوگا کہ ایسی چند حرکتیں کر کے یہ لوگ اپنی بے لکڑی کو عیشہ کے لئے ختم کر لیں گے - اور انہیں قوم میں منہ دکھانے کی جگہ نہ رہے گی -

مجھے ان تازہ گرفتاریوں سے بھی بڑھ کر اس پریس نوٹ پر افسوس ہوا ہے جو اس اقدام کو جائز ثابت کرنے کے لئے حکومت کی طرف سے شائع کیا گیا ہے - میرے نزدیک یہ بالکل شرمناک پریس نوٹ ہے جسکی کسی معقول حکومت سے توقع نہیں کی جا سکتی - اس میں یہ صریحاً غلط بیانی کی گئی ہے کہ اس مطالبے کو قوم کے چند عناصر کی تائید حاصل ہے اسی لہجہ میں ابھی چند روز پہلے جو ممبران ہونٹ تھی کیا وہ چند عناصر کی تائید کا مظاہرہ تھا - یا پوری قوم کی تائید کا ثبوت ؟ لہجہ کے لڑکھوں آدمی جو اس مظاہرے کو دیکھ چکے ہیں انکی نگاہ میں اس جمعہ سے حکومت کی آخر کیا وقعت باقی رہ جائیگی - پھر اس سے بھی زیادہ عجب اخلاقی حسارت اس میں یہ دکھائی گئی ہے کہ احرار کو اس سارے ایجیٹیشن کا ذمہ دار قرار دینے کے بعد انکے سابق کا ٹکرس تعلق کا ذکر کیا گیا ہے اور یہ فرمایا گیا ہے کہ یہ لوگ پہلے بھی پاکستان کے مخالف تھے اور آج بھی ہیں - میں پوچھتا ہوں کہ کل ہی جب پنجاب اور بہاولپور کے انتخابات میں مسلم لیگ کے حضرات تھے اور آپ لوگوں کی کامیابی کیلئے ایڑی چوٹی کا زور لگا رہے تھے - اسوقت انکی کیا پوزیشن تھی یہ آخر کیا اخلاق ہے اور گستدر گشتا درجے کی ذہنیت ہے کہ آج ایک شخص آپکا ساتھ دیتا ہے تو وہ پاکستان کا سچا خیر خواہ اور اسکا ماضی و حال سب آپکی نگاہ میں شاندار ہے اور گلہ کسی شخص آپکی کسی پولیسی سے اختلاف کرتا ہے تو پاکستان کا بدخواہ اور دشمن کا ایجنٹ اور اسکا ماضی و حال دونوں تاریک - یہ باتیں کر کے عوام کو دھوکا تو نہیں دیا جا سکتا - البتہ اپنی رسمی سہی وقعت ضرور کمزوری جا سکتی ہے پھر میں پوچھتا ہوں کہ احرار تو پاکستان کے مخالف اور دشمن ٹھہرائے - مگر علامہ اقبال کے تعلق آپکا کیا خیال ہے جنہوں نے سب سے پہلے قادیانیوں کو اقلیت قرار دینے کا مطالبہ کیا تھا -

میں حکومت پاکستان کو آگاہ کرتا ہوں کہ قادیانیوں کو جداگانہ اقلیت بنانے کا مطالبہ تمام مسلمانوں کا متفقہ مطالبہ ہے اور اسکا منہی ب ر اقلیت کے سوا اسکو سب کی تائید حاصل ہے اس مطالبے کو منوانے کے وقتوں میں عمارت دربان اختلاف ہو سکتا ہے مگر بجائے خود اس مطالبے میں قطعاً کسی اختلاف کی گنجائش نہیں اور اسے سب حالات حکومت کو ماننا ہی پڑے گا - اسکو تشدد سے دہانے کی کوشش ہرگز نہیں ہونی دی جائیگی -

4. I took this statement to mean that the agitation would be carried on in a constitutional manner untill we succeeded.

Q. Did you, in the meeting of 12th March 1953, publicly express your opinion that you were against the manner in which the movement was being conducted ?

A. I expressed my opinion in view of the existing conditions and since nobody questioned me further, I did not say that the Jama'at on principle was against the manner in which the movement was being conducted.

Q. On 12th March did the statement of Mr. Daultana dated 9th or 10th March, in which he repudiated his statement of 6th March, come to your notice ?

A. No.

(NOTE : The witness corrects himself and states that he was aware of both the statements of Mr. Daultana and considered the later statement as a political somersault.)

Cross-examination by Maulana Dauli Ghaznavi, on behalf of the Majlis-i-Amal :-

Q. You have said that a member of your Jama'at has to act and work within constitutional limits. Is this restriction a part of the creed of the Jama'at or a part of any resolution ?

A. It is a part of our constitution,

Q. You have not answered my question. Is it included in your creed or not ?

A. It is included in our rules of procedure, Please look at sub-clause (iii) of clause 10 of Part I of our Constitution.

(NOTE: The provision uses the words :

" جمہوری اور آئینی طریقوں سے کام کرنا ")

Q. So long as this provision in your constitution exists, can any leader or member of your Jama'at contravene it by making a public speech, issuing a public statement or holding out a threat ?

A. No.

Q. Please look at the "Leader" of the "Tasneem" of 23rd February 1953 (4x.D.2./79) and tell me what the following words mean :-

"عرض و معروض سے قوی طریقہ اختیار کرنا ہے"

A. The "Kawī tarīqa" means that pressure of public opinion should be brought to bear on the authorities.

Q. If public meetings take place everywhere in the country and pass resolutions supporting certain demands, will you call it "arz-o-ma'arooz" ?

A. No, it is a step beyond "arz-o-ma'arooz" - I confine arz-o-ma'arooz to supplications in the form of deputations.

Q. Did you read the statement of Maulana Abul Ala Maudoodi made before the Special Military Court ?

A. Yes.

Q. Do you approve of the following sentences in this statement :

"مسلح بغاوت کے سوا من برسر اقتدار پارٹی کو اقتدار

کی جگہ سے ہٹانے کی ہر کوشش کرنے کا مجاز ہون۔"

A. Anything short of armed rebellion is, according to the Jama'at, constitutional agitation.

Q. Are the words "مسلح بغاوت کے سوا — ہر کوشش کرنے کا مجاز ہون" in your opinion within the limits of your constitution or in excess of it ?

A. I consider this within the limits of the constitution of the Jama'at .

To Court :-

Q. Including civil disobedience ?

A. No.

Q. Does civil disobedience amount to armed rebellion ?

A. , It sometimes, but not always, leads to armed revolt.

Q. Is not civil disobedience intended to exclude violence?

A. Yes. But in this country civil disobedience in the present conditions had always lead to violence. If our leader resorts to civil disobedience or advises

the Jama'at to adopt that course, the Jama'at under its existing constitution, is not bound to obey. In fact with its existing constitution it will be its duty to disobey.

Cross-examination by Maulana Dauli Ghaznavi (Contd.)

Q. In the absence of an order under section 144, if five or more volunteers carry placards bearing the demands, will you consider it to be unconstitutional ?

a. No. It will amount merely to a peaceful demonstration. But if these volunteers go to a residence and sit in front of it, refusing to move, their conduct would amount to picketing and would be unconstitutional.

Cross-examination by Mr. Fazal Ilahi on behalf of the Punjab Government.

When Maulana Muhammad Ali Jallundhri said that if Mr. Masuri's offer were accepted, the League would be offended, I understood that the Maulana did not like to displease the League. I cannot, however, say that the League and the Maulana were collaborating.

Q. Did any batches of volunteers leave Multan for Karachi ?

a. Yes.

"Direct action" means to disobey legal restrictions;
it does not necessarily mean disorder.

Cross-examination by Mr. Shur Rahman Khadim on
behalf of Sair anjuman-i-Ahmadiyya, Lahore :-

Q. Were you Shia before you joined the Jama'at-i-Islami ?

A. No. I only belong to a Shia family.

Q. Is there any member of Jama'at-i-Islami bearing the
same name ?

A. No. I left the Shia cult long before I joined the
Jama'at.

To Court :

Q. Is a person who renounces Islam a Murtadd ?

A. No.

Q. Then who is a Murtadd ?

A. A person who attempts to injure or destroy the basic
principles on which an Islamic State is founded.

Q. We take it then that you will not call a person a
Murtadd who, having been born in a Muslim family,
makes a comparative study of religions, and as a
result decides to renounce Islam and become an
idolater or atheist ?

A. No, I will not apply the term "Murtadd" to him
though others may.

According to my conception of Islamic Government such person will not be liable to capital punishment.

To Counsel, contd.-

Q. Is it a part of the Jama'at-i-Islami creed that to attain the objects of the Jama'at only jamhoori and a'ini means should be adopted ?

A. No, it is not a part of our creed.

Q. Is there a provision in your constitution to alter any provision in the constitution or the whole constitution ?

A. Yes, the whole or any part of the constitution can be altered at any time.

Cross-examination by Mr. Yaqoob Ali Khan, Advocate, on behalf of Mr. Daultana :-

The three demands had the support of the Jama'at. The members of Jama'at-i-Islami used to speak at public meetings held in connection with the three demands, but none of them, to my knowledge, joined any procession in Multan. Of course, the kind of procession that resulted

and had nothing to do with politics.

To Counsel, contd.-

In my opinion, most of the Muslim Leaguers who joined the agitation did so from personal and political motives. I thought that the Muslim Leaguers whom I have mentioned were taking part in the agitation by reason of the attitude of the Provincial Muslim League.

Q. What was the attitude of the Multan District and City Muslim League ?

A. The attitude of these two bodies is to be judged by the persons belonging to these organizations who took part in the movement.

I questioned Khwaja Abdul Hakim, President of the City Muslim League, about the general attitude of the Muslim League regarding the movement. He told me that he had consulted the higher quarters, by which I understood the President Mr. Daultana, and that in case it became necessary, the local Muslim League would jump into the field.

Q. Were the Muslim Leaguers who took part in the agitation in your opinion justified to do so ?

A. They were right so long as they remained within constitutional limits.

Q. Did the Jama'at support the decision of the Central Majlis-i-Islam, arrived at on 18th January in Karachi, to send an ultimatum to the Prime Minister ?

A. The Jama'at never supported the ultimatum. In fact, this ultimatum came as a surprise to the Jama'at.

Q. Did you ever denounce the ultimatum after it had been served on the Prime Minister ?

A. It was not necessary for the Jama'at to do anything in the matter because we were never a party to it.

Q. Why did you not denounce the ultimatum when the Jama'at was opposed to it and it was apprehended that the agitation might lead to disorders ?

A. I have already told you that I never imagined that the ultimatum would be acted upon. Therefore there could be no question of my anticipating or apprehending any disorders.

Q. I put it to you that you were fully alive to the consequences that actually ensued and that you refrained from publicly denouncing the ultimatum because you wanted to keep the Jama'at popular with the public. Is this suggestion correct ?

A. No. The suggestion is wholly unfounded.

Q. If there were disorders in consequence of this

movement, was your Jama'at to co-operate with the Government to crush the agitation ?

- A. It is a hypothetical question. But if the Jama'at considered the Government to be right, it would have co-operated with it. If, on the other hand, the Jama'at took the view that the Government was wrong and the people were right, it would have sided with the people.

On 5th March when Maulana Maududi returned from the Government House, he told us that in reply to the proposal to issue an appeal to the public, he had expressed the view that things had gone so far that only a promise on the part of the Government to consider the demands could save the situation.

- Q. Did he tell you that he was asked to subscribe to an appeal to the public and did he give you the reasons for his refusing to subscribe to such an appeal ?

- A. I do not now recollect whether the Maulana stated before the Majlis-i-Shura that he had been asked to sign an appeal and that he had refused to do so for certain reasons.

- Q. When violence and disorders were in full swing on 4th, 5th and 6th March, why did not your Jama'at issue a

statement that what was being done was improper and that the people should wait for the solution of the problem which had been included as a ninth point to the proposed amendments to the B.P.C. Report ?

A. The Majlis-i-Shura considered the matter and passed a resolution which was published and which is before this Court. Apart from this resolution no other public statement was issued.

Q. What was your view about the firing incident near Kup Police Station ?

A. We formed no opinion but pressed for an inquiry which was subsequently held. I was a member of the defence committee whose object was to collect material and place it before the Court which had been set up to inquire into the incident. All the political parties of Multan were represented at this Defence Committee.

Q. Did you pay any subscription to the defence Committee ?

A. No, but we attended and helped the wounded.

There was not much activity between the Kup incident and the beginning of February 1953. The intention of the Deputy Commissioner when he called the prominent people of the town to a meeting on 12th March appeared to be to have an appeal subscribed to by the leading citizens, asking the people to abandon the movement. I, however, thought

that this changed attitude was due to the instructions received from Mr. Daultana and my reaction was that Mr. Daultana should be held fast to the statement which he had issued on 9th or 10th March, in contradiction of the statement of 6th, accepting the demands and announcing that a Minister of the Punjab Government was going to Karachi to obtain an acceptance of the demands. I did not agree to the Deputy Commissioner's proposal, because any such appeal would have amounted to befooling the people.

I did not actually see any volunteers leave for Karachi.

To Court :-

Q. When did the session of the Majlis-i-Islami end on 5th March ?

A. In the evening.

Q. Had you not by that time learnt that in the town eight buses and two post offices had been burnt and thirteen men killed and forty-five injured ?

A. We did not know the details and all that we learnt was that firing was going on in the town.

Q. If what had happened on the 5th, had come to your knowledge on that day, would you have disapproved of this in the resolution ?

A. The attitude of the Jama'at-i-Islami regarding these incidents would be apparent from the terms of the resolution which state that people should be directed

to conduct the agitation in a constitutional and peaceful manner..

To Maulana Daud Ghaznavi by permission :-

Q. Does not the resolution recognise that the movement had assumed a dangerous (خوفناک) trend ?

A. Yes.

Q. Did the Jama'at ever issue any appeal to the public to refrain from violence ?

A. No public appeal was issued, but the resolution was sent to different organisations of the Jama'at.

Q. The resolution states :

" اگر عوام کے ایسے مطالبات کو حق کے پچھنے دلیل کی طاقت بھی ہو اور
 رائے عامہ کی طاقت بھی بلا دلیل رد کر دیا جائے تو عوام میں اس سے
 غصے اور ناراضگی کا پیدا ہونا بالکل ایک قدرتی بات ہے ۔ یہی باتیں
 ہیں ۔ جو بالآخر لوگوں کو غیر آئینی طریقے اختیار کرنے پر مجبور کر
 دیتی ہیں ۔ "

Does it not show that, if the demands were not accepted, disorders were inevitable ?

A. Yes, it does.

B. O. . & A. C.

91. M. MUNIR.
 PRESIDENT.

92. M. R. KAYANI.
 MEMBER.

27th October 1953.

WITNESS NO. 101 (Called by Jama'at-i-Islami)

Mr. Muhammad Shafi, M.L.A., Lahore, on S.A.-

Q. Did you do anything to restore conditions to normal during the disturbances ?

(The witness gave the following statement in a narrative form in English.)

A. On 5th of March I went to Dr. Khalifa Shuja-ud-Din and told him that, being one of the oldest residents of Lahore, it should be his duty to bring about a settlement between the Government and the demonstrators. I brought to his notice that blood of innocent Muslims was being shed and that people were being treated exactly in the same manner as they used to be before the inception of Pakistan. He asked me what really I expected him to do in this behalf. I suggested to him that he, as Speaker of the Punjab Assembly, should approach the Governor and the then Punjab Premier and try to work out a formula which should result in peaceful demonstrations in respect of the present agitation. The Doctor Sahib then discussed with me as to what this formula could be. I said, as far as the issues are concerned, it was not within our province to go

into their merit, but that up to such time as a settlement between the Central Government and the leaders of the agitation could be brought about, arrangements should be made so that demonstrators may be made to go in a procession on a prescribed route and offer themselves for arrest, and then peacefully disperse. I tentatively suggested that one hundred people should offer themselves for arrest each day. I then typed the formula which was that the procession which shall originate from the Wazir Khan Mosque, shall wend its way towards the Kotwali, where the police will arrest hundred of them and then the demonstrators will quietly disperse. The Doctor Sahib, in the first instance, was sceptical about the success of the formula, but he then rang up the Private Secretary to the then Punjab Governor Mr. I. I. Coundrigar, who asked him to visit the Government House immediately. Thereupon Dr. Khalifa Sauija-ud-Din went to the Government House in his car. I stayed back at his residence. Dr. Khalifa Sauija-ud-Din came back after about half an hour. On return at about 10-30 at his

residence, the Doctor Sahib told me that the Governor, the then Punjab Premier and the Inspector-General of Police had all agreed to this proposition, and he then asked me to visit the people in the Wazir Khan Mosque and secure their approval for this formula. Accordingly I went to the Wazir Khan Mosque. It was late in the evening. I met Maulana Abdussattar Khan Niazi and told him that they were not being asked to suspend their movement. What was expected of them was to keep the movement peaceful lines. He understood the import of this message and readily agreed to communicate the formula to the Council of action, (Majlis-i-Amal). He secured the approval of all the members of the Majlis-i-Amal, except one Maulana Baha-ul-Haq Qasmi, who was then reported to be underground. I returned from the mosque at about 11-30. Because it was very late in the night, I could not contact the Doctor Sahib; so I went back home. Next day, i.e. Sunday, March 6th, I came to the house of the Speaker and told him that

the Council of Action and Maulana Abdussattar Khan Niazi had agreed to the formula. Dr. Khalifa Shuja-ud-Din expressed his pleasure at this and said that I should go back to the mosque quickly and tell the leaders of the movement that they should make arrangements to announce in almost all the mosques before the Juma prayers started, that the Government and the leaders had arrived at this formula. He considered that it was absolutely essential that this announcement should be made to the Muslim congregations in the mosques before the Juma prayer; otherwise he feared that large processions would come out of the mosques occasioning all the inconvenience to the authorities. So I went to the mosque. It was before Juma prayer had started. I met Maulana Abdussattar Khan Niazi. He wanted hurriedly to call a meeting of the other leaders of the movement for making the announcement. In the meantime a large number of dead bodies of Muslims started coming into the compound of the mosque and into the adjoining bazar, which caused

tremendous excitement among the people there. In the meantime Dr. Khalifa Shuja-ud-Din, accompanied by Mr. Ahmad Saeed Kirmani, M.L.A., had also arrived in the mosque. People began asking the Doctor Sahib and others whether this was the response that the Government were making towards their acceptance of the formula.

To Court :

- Q. What was the time when those dead bodies were brought to Wazir Khan Mosque ?
- A. The dead bodies began to be brought to Mosque Wazir Khan before midday, i.e. before 12 o'clock.

Examination-in-chief, contd.-

People were in a highly hysterical state of mind and they seemed to be extremely excited over police firing. I then thought that no useful purpose would be served by my continuing to stay in the mosque

because it was an atmosphere of complete emotional chaos. Then I left the mosque and range up, from the house of a friend outside Mochi Gate, at the Government House, telling

people there as to what had transpired at the mosque. Then Sheikh Fazal Ilahi Piracha, the then Minister for Rehabilitation, came on the phone. He told me that all was over as Martial Law had been promulgated..

Exhibit D.I. 139 is the suggestion that I made in the press for the consideration of the Chief Minister and the President of the Provincial Muslim League. This was sent by me to the press on the 4th March. The 'Iqdam' of 23rd February, Ex.D.I. 140, expresses my thoughts on the existing situation and the implications thereof.

Q. Do you know if the police fired in the morning of 6th March before the proclamation of Martial Law?

A. I did not myself see any firing but there were rumours that the police was firing indiscriminately,

Q. Were you present at the Government House when the statement of Mr. Daultana was being prepared?

A. No.

Q. What was the idea of sending an incessant series of batches of volunteers for arrest ?

A. The object was merely to keep the movement within constitutional limits.

Q. Was there any order under section 144 then in force ?

A. Yes.

Q. How many volunteers could you have sent in this way ?

A. Every one would have offered himself for arrest.

To Mr. Fazal Ilahi on behalf of Punjab Government :-

I have good and intimate relations with Maulana Abdus Sattar Niazi and Hakeem Anwar Babri. Maulana Abdus Sattar Niazi, Hakeem Anwar Babri and Idranis Ali Chishti were members of a group called Khilafat-i-Pakistan Group, but this was before the Partition. The ideology of this group was to base the entire

political and social structure of Pakistan on religion. Hakeem Anwar Sabri was with me when I went to Dr. Khalifa Shuja-ud-Din. He was also with me when I went to Wazir Khan Mosque.

Long before the Partition, to be more correct in 1944, Maulana Abul Sattar Niazi wrote a book called "Khalifat-i-Pakistan" and I was a co-publisher of that book and also contributed some material to it.

To Mr. Yaqoob Ali Khan on behalf of Mr. Daultana :-

I was arrested by the police on 13th March and was kept in the Fort up to 28th March. I was then handed over to the army who kept me in the Borstal Jail in solitary confinement for full one month. When I was in the Fort, I made a statement to Ch. Muhammad Husain, Superintendent of Police, C.I.D. After that they sent me to solitary cell and forgot every thing about me. In the jail where the military took me, I was given 'C' class but was actually confined in a solitary cell. None came during this time to the jail neither to interrogate me or to record my statement. Some men in the jail whom I did not

know and who did not appear to be officers, suggested to me that if I made a statement against the outgoing Ministry, I could be released. When these suggestions were being made to me, I was confined in a solitary cell.

To Maulana Daud Ghaznavi on behalf of the

Majlis-i-Amal :-

I attended the annual meeting of Ahmadis at Rabwah in December 1952, but this was as a journalist. I am not an Ahmadi. I have often been attending the annual functions of Anjuman-i-Ahmadiyya, Rabwah, with a view to reporting the proceedings of the meeting. Mirza Bashir-ud-Din Mahmud Ahmad, head of the Ahmadiyya community, made a speech on that occasion denouncing those who differed from him.

Q. How did that speech react on you ?

A. My reaction was as it is expressed in Ex.D.2. 141.

A. I was in those days associated with the 'Afaq'.

To Mr. Asrar Rahman Khadim, on behalf of Sadr Anjuman
Ahmadiyya Rabwah :-

The 'Afaq' was, however, evincing interest in the

agrarian reforms and commenting upon that topic in those days. The head of the Ahmadiyya community about that time wrote a book "Islam Aur Malkiyyat-i-Zameen" which had some reference to the agrarian reforms which had just then been inaugurated. Some other Ulama, including Maulana Maudoodi, had also expressed their views on that subject.

R.O. & A.C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.A. KAYANI.
MEMBER.

28th October 1953.

O R D E R.

Adjourned till tomorrow for further proceedings.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.A. KAYANI.
MEMBER.

28th October 1953.

29th October 1953.

45th sitting.

Present :

Hon'ble Mr. Justice Muhammad Lunir,
Chief Justice, President.
Hon'ble Mr. Justice A.R. Kayani, Member.

Mr. Fazal Iqbal, Advocate, assisted by
Mr. Ejaz Ali, for the Punjab Government.

Mr. Asadullah Khan, Advocate, assisted by
Messrs Ghouse Agha and Abdur Rahman
Khadim, Advocates, for Sadr Anjuman
Ahmadiyya, Rawalpindi.

Mr. Yaqub Ali Khan, Advocate, assisted by
Messrs Abdul Aziz and Said Akbar,
Advocates, for Khan Mumtaz Muhammad
Khan Daultana.

Mr. Nazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Mr. Said Malik, Amser, Jama'at-i-Islami.
Maulana Daud Ghaznavi for the Majlis-i-Amal.

WITNESS NO. 102 (Called by the Jama'at-i-Islami):

Sayyid-ud-Din son of Maulana Sa'ad Gul, teacher,
Madriassa Isha'at-ul-Alloam, Lyallpur, on S.A :-

I was at Lyallpur during the disturbances up
to 13th March 1953. I am an Arabic teacher in Madriassa
Isha'at-ul-Alloam. The school is a private institution.

It is located in the Jamia Masjid. This Masjid was the centre of all activity during the anti-Ahmadiyya agitation. I am not a member of the Jama'at-i-Islami. I saw with my own eyes most of the events that occurred in those days.

Q. Do you know if the Muslim League ever declared policy in regard to the movement against the Ahmadis ?

A. No, not to my knowledge.

Most of the Muslim leaguers joined the movement and were throughout assuring the public that they were with them in this agitation. The prominent leaguers who took part in the movement are Ch. Bashir Ahmad, President City Muslim League, Ch. Aziz-ud-Din, President District Muslim League, Ch. Muhammad Abdullah, M.L.A., and Khaleeq Qureshi. I do not know what office Khaleeq Qureshi holds in the league. As far as I know he is employed in a Government department. It was this man who was proclaiming in the city the subsequent announcement of Mr. Deultana on or about the 11th March. Professor Ghulam Rasul, Mirza Muhammad Tufail and Haji Muhammad Ibrahim also took active part in the movement, I did not see this but I understand that Cn. Ali Akbar, who is now a Minister,

and Mr. Mushtaq Ahmad, M.L.A. also came to the mosque in connection with the movement. Sh. Bashir Ahmad joined a procession of the volunteers on 6th March. On 7th March he himself led a procession and was arrested. Professor Ghulam Rasul led a procession on the 1st March.

Q. What was the effect on the Muslim Leaguers of Mr. Daultana's statement of 6th March?

A. People thought that Government had yielded under popular pressure.

Ch. Aziz-ud-Din, who was not seen before taking any part in the movement was noticed after the statement of 6th March to be participating in the agitation. The same is the case with Ch. Muhammad Abdullah, M.L.A. He went to Samundri on the 5th where a procession was taken out. He returned to Lyallpur on the 9th and offered his services to the cause. I heard that Ch. Ali Akbar brought about some arrangement between the District authorities and the public in pursuance of which batches of fifty volunteers each began to offer themselves for arrest. I myself saw these batches of volunteers leave the mosque and being arrested.

According to the arrangement agreed upon a batch of volunteers went out from the mosque on the evening of the 5th but, contrary to the undertaking given by the District authorities, the volunteers were not taken to jail but were taken to Jaranwala and dropped at a distance of two miles from there. On the 6th the District authorities totally refused to arrest the fifty volunteers who had offered themselves for arrest. The batch that left on the 7th was arrested. The firing that took place on that day had nothing to do with the batch of volunteers.

To Mr. Fazal Ilahi on behalf of Punjab Government.

Section 144, Cr.P.C. was applied in Lyallpur probably on the evening of 3rd March 1953.

To Mr. Mazhar Ali Azhar, on behalf of the Majlis-i-Ahrar :-

After the arrests on the 27th, a public meeting was held after Isha prayers in the mosque. One of the Speakers at that meeting was Maulana Abdur Raheem Ashraf, Amir-i-Jama'at-i-Islami, Lyallpur. There was also a public meeting on the 28th in Id Bagh.

Q. Are you a sympathiser of the Jama'at-i-Islami ?

A. Yes.

I made no speech outside the mosque, but in my dars I did refer to the demands in respect of the Ahmadis. I used to feed the volunteers in the mosque.

To Mr. Yaqoob Ali on behalf of Mr. Daultana :-

All parties were unanimous on the demands against the Ahmadis. The feeling in favour of the demands was so strong that nobody, including the above-mentioned Muslim Leaguers, dared oppose it.

Sheikh Bashir Ahmed joined a procession for the first time on 6th March. Chaudhri Aziz-ud-Din I saw for the first time on 7th March. Chaudhri Abdullah also was seen by me on 9th March for the first time. I did not see Ch. Ali Akbar and Ch. Mushtaq Ahmed actually take part in any activity. I am not sure if Khaliq Qureshi is a Government employee. I did hear that some people went to the house of Mir Abdul Qayyum with a view to compelling him to join the movement. Chaudhri Aziz-ud-Din was not a chief Parliamentary Secretary in those days. He assumed charge of that office when the present Ministry was formed.

To Court :

Q.- Is it a fact that the Superintendent of Police and the Deputy Commissioner, after being garlanded by the public, led a batch of volunteers to the jail ?

A. I heard of this incident on the 4th March.

Cross-examination by Maulana Daud Cheznavi, Member, Majlis-i-Amal :-

On 10th March supply of electricity to the mosque stopped, but I do not know whether it stopped accidentally or was stopped intentionally. The stoppage lasted four or five hours, namely, from Asar prayer time till after Isha prayer time. There was firing on the night of 8th March at a little distance from the mosque and a man wounded in the firing came to the mosque. The reports of gunfire were heard in the mosque. The man who was wounded was eventually taken to the hospital by a private person.

Re. XX. Nil.

R. O. & A. G.

Sd. M. MUNIR.

PRESIDENT.

Sd. M. R. KAYANI.

MEMBER.

29th October 1953.

WITNESS NO. 103 (Called by Jama'at-i-Islami)

Sayyad Muhammad Ishaq s/o Sayyad Dost Muhammad
Shah, 33 years, Hakeem, Model Town, Lyallpur, on S.A.-

I am a resident of Lyallpur. I am a Tabeeb. I
am not a member of Jama'at-i-Islami. I was in Lyallpur
during the disturbances. On 3rd March I heard that some
persons, who had been arrested in connection with the
movement, were beaten inside the jail. People became
indignant over this incident.

To Court :

Q. Who spread the news that there had been beating
inside the jail ?

A. There was a public rumour to that effect.

Examination-in-Chief, contd.-

On the 4th March there was a procession, which
I saw myself. The Deputy Commissioner was in the middle
of the procession. There was no policeman in or near
the procession then, but when the procession reached near
the jail, I noticed there the A.S.P. and a few other
officers and policemen. The Deputy Commissioner wore a gar-
land of flowers round his neck. At a place between the jail

and the Deputy Commissioner's residence the Deputy Commissioner addressed the processionists, saying that he himself believed in the popular demands and that he would make a reference about the conditions existing in Lyallpur to Lahore. Thereafter the procession went and stopped near the jail and the Deputy Commissioner addressed the mob once more in similar terms. In the second speech the Deputy Commissioner advised the processionists to remain peaceful and to offer volunteers for arrest in batches of fifty each. Accordingly some twenty-five or thirty volunteers were arrested and taken away in a lorry. The mob then dispersed.

To Court :

I joined the procession somewhere near Tarigabad. The procession had first made for the Deputy Commissioner's house and was being conducted from there to the jail by the Deputy Commissioner.

Examination-in-Chief, contd.-

The decision to arrest fifty volunteers per day had been taken by the Deputy Commissioner in consultation with members of the public earlier. Outside the jail more than fifty persons had offered themselves for

arrest, but the Deputy Commissioner accepted only twenty-five or thirty. All the police officers were in favour of the demands because it was a religious question with them. I myself heard several policemen express this opinion.

I was near the Coiniot Bazar when there was firing there. Although there was a curfew on that day, people were generally disobeying it. I could see the military who were firing as well as the person who were fired upon. The military were in a truck. There was no procession then but there were scattered groups of people in the bazar. I do not know what necessitated the firing. All that I saw was that the military alighted from the truck and fired at a group of people. What these people said to the military or whether the military required them to disperse because of the curfew, I do not know.

To Mr. Fazal Iqbal :-

The procession that was organised on the 1st was to leave for Karachi. I did not myself go to the Railway station but I heard that that batch of volunteers did leave for Karachi by train.

To Mr. Yaqoob Ali :-

The Public were complaining, I heard it for the first time on 4th March, that League M.L.As. were not communicating the popular demands to the Government. People were saying that leaguers went about asking for votes during the elections but that when their services were needed, even in a religious matter, they were not to be seen anywhere. There were differences among the members of the league. Most of them were taking part in the movement but Ch. Ali Akbar and Mir Abdul Janyun had gone out of Lyallpur.

R. O. & A. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M.R. KAYANI.
MEMBER.

29th October 1953.

WITNESS NO. 104 (Called by the Jama'at-i-Islami):

Maulana Muhammad Amin Ahsan Islahi, now under
detention in Central Jail, Lahore, on solemn affirmation:-

I am a member of the Jama'at-i-Islami and was, before
my arrest, a member of the Majlis-i-Shura of that
Jama'at.

Q. Who is a Mussalman ?

A. There are two kinds of Mussalmans, a political
(siyasi) Mussalman and a real (haqqeqi)
Mussalman. In order to be called a political
Mussalman, he must ;

- (1) believe in the unity of God,
- (2) believe in our Holy Prophet being the Khatim-
un-Nabiyyeen, i.e. "final authority" in all
matters relating to the life of that person,
- (3) believe that all good and evil comes from
Allah,
- (4) believe in the Day of Judgment,
- (5) believe in the Quran to be the last book
revealed by Allah,
- (6) perform the annual pilgrimage to Mecca,
- (7) pay the zaka'at,

- (8) say his prayers like the Mussalmans,
- (9) observe all apparent rules of Islami ma'ashira, and
- (10) observe the 'ast (saum).

If a person satisfies all these conditions, he is entitled to the rights of a full citizen of an Islamic State.

To Court:-

If any one of these conditions is not satisfied, the person concerned will not be a political Musselman. (Again said). It would be enough for a person to be a mussalman if he merely professes his belief in these ten matters irrespective of whether he puts them into practice or not.

Examination-in-Chief resumed :-

In order to be a real Musselman, a person must believe in and act on all the injunctions by Allah and His Prophet in the manner in which they have been enjoined upon him.

To Court :

Q. Will you say that only the "real" Musselman is "Mard-i-Saleh" ?

A. Yes,

Q. Will this not mean that the political Mu-salman not being a Mard-i-Saleh cannot stand for an election ?

A. No. It does not mean that.

Q. Was it not your programme during the last elections that only a Mard-i-Saleh could stand for elections?

A. When we prescribed this definition for a person who intended to stand for an election, we meant to include in it both categories of Musalmans.

Q. Does not this definition restrict the judgment of Allah and limit the conditions on which he shall determine award and punishment ?

A. Yes. If Allah Himself subjects Himself to certain restrictions, who are we to question His decision.?

Q. Is the exact definition of a Mu-salman to be found anywhere in the Quran or in the Hadith ?

A. Yes. But neither in the Qur'an nor in the Hadith has an exhaustive definition of Mussalman been given in one place. It has to be gleaned by the Ulama from a proper and careful study of both. It is for this reason that the various Ulama who were suddenly questioned by this Court on this point

differed in their definition of a Mussalman. ✓

Before they returned an answer to the question

they should have been given time to study the point.

To Court :-

Q. Have you ever heard of Ahl-o-Qur'an ?

A. Yes.

Q. What are their tenets ?

A. They do not follow any principle.

Q. Is it not true that they reject the Hadith and the Sunnah ?

A. They are unanimous in rejecting the Hadith but not in rejecting the Sunnah.

Q. Are they Kafir ?

A. A person who does not believe in Sunnah is a Kafir but a person who does not believe in Hadith is not a Kafir. ✓

Q. Apart from the expression "Khatim-un-Nabiyyoon" occurring in the Qur'an and the Hadith "La Nabiya ba'di", is there anything in the Qur'an or the Hadith to show that person may or may not appear in the ummat of the Holy Prophet to whom the epithet "nabi" may be applicable ?

A. No.

Q. Do you denounce the Ahmadis as Kafir ?

A. They are absolute Kafirs.

Q. Including the Lahore sect ?

A. They are not Kafirs but they are a misguided people.

Q. Why do you consider Qadiani Ahmadis as Kafir ?

A. Because they believe in a new prophet, which is contrary to Qur'an and Hadith.

Q. For this denunciation shall you not, on the authority of Tirmizey, Muslim and Sayuti, go to Hell if the Ahmadis be right ?

A. Yes, if they are right, I should go to Hell.

Q. Does not a Mufti or an alim who denounces as Kafir another person who claims to be a Muslim, incur 50 per cent risk of his going to Hell ?

A. I cannot fix the degree of probability, but a person who unjustifiably denounces as Kafir another person who claims to be Muslim, will be accountable to God. I will not call such a person a Kafir.

Q. Do you not believe in the Hadith to this effect reported in Tirmizey and Muslim and commented upon in Sayuti ?

A. I believe the Hadith to be true, but I do not interpret it in the manner in which the Court interprets it. What I mean is that the kuffr of the person who is unjustifiably denounced, will turn back on the person calling him Kafir; that is to say, the latter will be liable to the same punishment as the former if he, in fact, had been Kafir.

Q. Should we then take it that out of Muftis and Alims who have been denouncing each other as Kafirs at least fifty per cent will go to Hell ?

A. No.

Q. What is the place specified in the Qur'an for the kuffar ?

A. Hell.

Q. Have you read Suyuti's comments on this hadith ?

A. No.

I do not consider Suyuti to be an authority.

Q. You have said that a person who does not believe in Hadith is not outside the pale of Islam. Does this opinion apply also to disbelief in Anadith-i-Quds ?

A. Yes.

Q. What is Hadith-i-Qulsi ?

A. Hadith-i-Qulsi is a saying of the prophet based on what he has heard from Allah. (Witness does not adhere to this answer.)

Q. Has "Wahi" anything to do with Hadis-i-Qulsi ?

A. No.

Q. Are there any Ahadith in which the Prophet said that he was saying a certain thing on the authority of Allah ?

A. No.

NOTE : Maulana Daul Ghaznavi, when questioned, states that such Ahadith do exist.

(after the lunch interval the witness volunteers:)

When I said that if a person unjustifiably denounces another as Kafir, the punishment of "kufr" will turn back on him, what I meant was that he will be liable to the punishment of "Takfeer".

Q. Is the punishment of Takfeer anywhere specified in the Quran as the punishment of Kufr is ?

A. No.

Q. Where will you find this punishment specified as distinguished from the punishment for kufr ?

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Q. Is the punishment of Takfeer anywhere specified in the Quran as the punishment of Kufr is ?

A. No.

Q. Where will you find this punishment specified as distinguished from the punishment for kufr ?

A. I cannot cite you any Hadith relating directly to Takfeer but there is a Hadith that to abuse a Muslim amounts to "fiq".

Q. Is there not a fundamental difference between "fiq" and "kufr" ?

A. Yes.

Q. What are your views about "Ijtihad", a term which every educated Muslim who can think should be clear about today ?

A. I consider Ijtihad to be necessary in every age.

Q. You do not, therefore, have any views on this question different from Ibn-i-Taimiya ?

A. No.

Q. And the views of Suyuti on the same subject ?

A. I do not know his views.

Q. Do you know that Suyuti is of the view that in every age there must be a Mujtahid among the Muslims ?

A. Yes. In fact I believe that there must be several Mujtahids at the same time.

Q. Do you believe in Ijtihad-i-Mutlaq ?

A. Yes.

Q. Does the Ijtihad according to which at every age there must be a Mujtahid differ from the doctrine

of Ijtihad-i-Mutlaq ?

a. No. I do not see any difference.

(NOTE : The question has been repeated to the witness and Maulana Daud Ghaznavi has been requested to explain to him the meaning of Ijtihad-i-Mutlaq after hearing the definition of Ijtihad-i-Mutlaq, the witness states that Ijtihad-i-Mutlaq is possible even in the present age.)

Q. What is the difference between a Mujtahid and a Mujaddid ?

a. A Mujaddid is a person who revives and renovates religion while a Mujtahid is he who deduces a particular matter from the Qur'an and the Hadith.

(Note : This answer was given by the witness after his attention was drawn by the Jama'at-i-Islami representative, Mr. Saeed Malik, to the witness's original answer that a Mujtahid is one who renovates the religion. Mr. Saeed Malik states that the witness, by a slip of the tongue, used the word "Kujtahid" where he should have used the word "Mujaddid".)

Q. Has taqleed anything to do with the ijtihad-i-mutlaq ?

a. Taqleed, as generally understood, is inconsistent with ijtihad-i-mutlaq.

Q. Do ghair muqallids believe in ijtihad-i-mutlaq ?

a. As far as I know they do.

Q. Are ghair muqallids the same as Ahl-i-Hadith ?

a. Yes.

Q. Were you ever a member of the Jama'at-ul-Ulama-i-Hind ?

a. I had never anything to do with that Jama'at.

Q. Do you know the aims and objects of the Jama'at-i-Islami in India ?

A. We have nothing to do with the Jama'at-i-Islami in India since the Partition, and, therefore, I cannot say what are their present aims and objects. So far as I know, they are also trying to establish the gl of Allah in India.

Q. Have you been making speeches and publicly saying that leaders in Pakistan have been leading a notoriously un-Islamic life ?

A. I do believe that they are leading an un-Islamic life and I must have expressed this opinion.

Q. When you denounce a man that he is leading an un-Islamic life, do you know his inner character ; and can you, without knowing anything about his character, consider it right to proclaim that he is leading a notoriously un-Islamic life ?

A. Whatever his character may be, if he does not observe outwardly all the apparent injunctions of Islam, I claim for myself the right publicly to accuse him of leading an un-Islamic life. Such criticism of public leaders is fully justified by all standards.

Q. Do you give to your own critic the right that

despite your compliance with the outward forms of Islam, he considers you, according to modern ethical standards, a debased and depraved man ?

A. Yes.

Cross-examination by Mr. Abdur Rahman Khadiw, on behalf of Sair Fujuman-i-Ahmadiyya, Babwah :-

Q. Do you believe that it is the duty of a person to resort to "armed struggle" if by doing so he thinks that he could establish an Islamic Government in the country ?

A. No. It is contrary to the creed of my Jama'at.

Q. Are you the author of "Islami Riyasat Number 10" ?

A. Yes.

Q. Do you agree with what is stated at page 37 of this book, namely;

"حضرت شہید کے اس بیان سے واضح ہوتا ہے کہ اس قسم کے امرا اور حکام اپنی انفرادی حیثیت میں تو حکماء مسلمان ہیں - لیکن ان کی حکومت مسلمان نہیں ہے - اس کے خلاف بغاوت کرنے میں اگر شرعاً کوئی چیز مانع ہو سکتی ہے تو وہ صرف یہ اندیشہ ہے کہ کہیں انارکی اور بدنظمی اسکی جگہ نہ لے لے - مگر ان کی حکومت سے عدم تعارض اور برامں جدوجہد سے اسکو بدلنے کی سعی واجب ہے - اور اگر کوئی شخص یہ خیال رکھتا ہو کہ مسلح جدوجہد کر کے وہ بدنظمی نہیں بلکہ نظام اسلامی قائم کر سکیگا تو ایسا کرنا اس پر ضروری ہے -"

A. Yes. There I have merely stated the view of Ismail Shaheed. My own views are stated at pages 41 and 42 of this book.

Q. Do you agree with this view ?

A. Yes, subject to certain conditions.

Q. Please look at page 42 of this book, which contains the following :-

• ایک راہ یہ ہے کہ ان ارباب اقتدار سے جو زور شمشیر اقتدار چھین لیا جائے ۔ جنکی طرف سے کفر بواج (صریح) کا ظہور ہوا ہے ۔ اور ملک کے نظام کو از سر نو اسلام کی بنیادوں پر قائم کر دیا جائے ۔

یہ راہ اختیار کرنے کی اجازت اس صورت میں دی گئی ہے جب

صالحین کا کڑوا منظم ہو ۔ ان کے پاس طاقت موجود ہو ۔ اہل ملک کی عظیم اکثریت ان کے ساتھ ہو ۔ یا کم از کم اس بات کا ظن غالب ہو کہ علیٰ جدوجہد شرع ہوتے ہیں اکثریت اسکا ساتھ دے گی ۔ اور کسی بڑی تباہی و خونریزی کے بغیر مفسدین کے اقتدار کو مٹا کر صالحین کا اقتدار قائم کیا جائے ۔ اس صورت میں بلاشبہ صالحین کی جماعت کو نہ صرف حق حاصل ہے بلکہ ان کے ارباب بہ شرمی فرصت ہے کہ وہ اپنی طاقت مندام کر کے ملک کے اندر بے زور شمشیر انقلاب پیدا کر دیں ۔ اور حکومت پر قبضہ کر لیں ۔

Does this passage represent your view ?

A. Yes. While saying this, I had in mind, as stated at page 41, the condition where the Government of a Muslim country had distinctly slipped from fisq

into kufr. In that case, I consider it to be right to act in the manner mentioned in this passage.

Q. What about a case where the Government ab initio is that of kuffar ? What should be the attitude of Muslims ?

A. They should act upon the ideology of Jama'at-i-Islami, namely, to organise themselves and to establish the din of Allah in that country by converting the kuffar to Islam. Thereafter, Islamic Government in that country will be a natural result.

To Court :

Q. If it is necessary, in order to convert kuffar into Islam, to engage in a fight, would you say they ought to undertake the fight ?

A. They should live peacefully.

Q. If they have power, should they fight ?

A. Yes.

To Counsel, contd.-

I believe that no scheme for the reformation of humanity can succeed without the reformer acquiring political power.

To Court :

I also believe that if the moral and religious conditions of the Muslims have to be reformed, the reformer must take control of political power.

To Counsel, contd.-

Our conception of "Islah-i-khalq" is quite different from that of Christians and that of the Ahmadis.

To Court :

Q. Do you include the education of masses and free medical relief in Islah-i-khaliq ?

A. Yes.

Q. Are you running any educational institutions here or outside Pakistan for the benefit of other communities?

A. The Jama'at is running one high school in Karachi, another in Multan, and a primary school in Lahore.

To Counsel, contd.-

Q. Do you agree with the following view expressed by Maulana Maudoodi at page 15 of "Haqeeqat-i-Jihad" :-

"ناخدا ترس اور شریعہ مبارک قسم کے لوگوں سے قانون سازی اور فرمانروائی کا اقدار چھین لئے"

A. I have read this passage in its context. The means mentioned there have reference to removing Fisad fil-ars.

Q. Do you agree with the following view of Maulana Maudoodi at pp. 64-65 of "Haqeeqat-i-Jihad" :-

"لہذا مسلم پارٹی کیلئے اصلاح عمومی اور تحفظ خودی دونوں کی

خاضریہ ناگزیر ہے کہ کسی ایک خدشہ بین اسلامی نظام حکومت قائم کرنے پر

اکٹافہ کرے - بلکہ جہاں تاد اس کی غیبتیں ساتھ دیں - اس نظام کو تمام

اطراف میں وسیع کرنے کی کوشش کرے - یہ ایک طرف ایسے افکار و نظریات

کو دنیا میں پھیلانے کی اور تمام ممالک کے باشندوں کو دعوت دے گی کہ

اس مسلک کو قبول کریں - جس میں ان کے لئے حقیقی فلاح مضمر ہے -

دوسری طرف اگر اس میں "ماقت ہوگی تو وہ لڑ کر غیر اسلامی حکومتوں کو مٹا

دے گی - اور ان کی جگہ اسلامی حکومت قائم کرے گی -

یہیں پالیسی تعوی جس پر رسول اللہ صلی اللہ علیہ وسلم نے اپرا آپ کے بعد

خلائے راشدین نے عمل کیا - عرب - جہاں مسلم پارٹی پیدا ہوئی تھی -
 سب سے پہلے اسی کو اسلامی حکومت کے زیر نگیں کیا گیا - اسکے بعد رسول اللہ
 صلی اللہ علیہ وسلم نے اطراف کے ممالک کو اپنے اصول و مسلک کی طرف دعوت دی
 مگر اسکا اظہار نہ کیا کہ یہ دعوت قبول کی جاتی ہے یا نہیں - بلکہ

قوت حاصل کرتے ہی رومی سلطنت سے تصادم شروع کر دیا - آنحضرت کے بعد
 حضرت ابوبکر پارٹی کے لیڈر ہوئے تو انہوں نے روم و ایران دونوں کی غیر اسلامی حکومت
 پر حملہ کیا - اور حضرت عمر نے اس حملہ کو کامیابی کے آخری مراحل تک پہنچا دیا -

Q. Yes, in the sense of the context in which this passage
 occurs.

The book from which you have been reading the passages
 was written before the establishment of Pakistan. This is
 not necessarily the view of the Jama'at-i-Islami and the
 Jama'at need not agree with Maulana Maudoodi's view expressed
 here.

Q. Is there any difference between the views of Jama'at-
 i-Islami and of the "Muslim Party" mentioned at
 page 64 of this book ?

A. Yes, there is considerable difference.

Q. Does the following passage in your book "Islamic
 Riyasat" No. 4, at page 38, correctly represent
 your present view :-

"لیکن اس کا سیاسی نظام صرف ظاہری اسلام ہی سے بحث کرتا ہے اور
 اسی سے بحث کر سکتا ہے - اسوجہ سے اسکے اندر جیسا کہ آپ نے دیکھا خارجیت
 اور انارکزم تک پہنچنے کی گنجائش نکل آتی ہے - بشرطیکہ ان سے شرائط شہریت کی

خلاف ورزی نہ سرزد ہوگی جو - جہان تہ لوگوں کی نیتوں - ارادوں اور
دل کے مخفی منصوبوں کا تعلق ہے - اسکا حساب اللہ تعالیٰ کے ذمے ہے -"

A. Yes.

Q. You have defined a political Musalman as well as a
hakeeqi Musalman. Are you a political Musalman or
a hakeeqi Musalman, or both ?

A. Both.

Q. Can a person who is not a hakeeqi Musalman but is only
a political Musalman become a member of the Jama'at-i-
Islami ?

A. Yes.

Q. Do not the qualifications for membership of the Jama'at-
i-Islami as prescribed in your constitution far exceed
the definition of a political Musalman which depends
solely on his belief in certain things ?

A. If a person merely intends to practise the beliefs
which are necessary for a political Musalman, we
enrol him as a member.

Sl. M. MUNIR.
PRESIDENT.

Sl. M. B. KAYANI.
MEMBER.

29th October 1953.

O. R. D. I. B.

Adjourned till 2nd November 1953 when the cross-
examination of Maulana Muhammad Amin Ahsan Islahi will
be resumed.

29th October 1953.

Sl. M. MUNIR.
PRESIDENT.

Sl. M. B. Kayani.
MEMBER.

3rd November 1953.

47th Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Asadullah Khan, Advocate, with Ch. Abdur
Rahman Khadim and Mr. Ghulam Murtaza Khan,
Advocates, for Sair Anjuman Ahmadiyya,
Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for
Majlis-i-Shrar.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Isha'at-i-Islam.

Mr. Yaqub Ali Khan, Advocate, assisted by Mr.
Abdul Aziz Malik and Mr. Said Akbar,
Advocates for Mian Amraz Muhammad Khan
Daultana.

Maulana Murtaza Ahmad Khan Maikash, on behalf
of Majlis-i-Amal.

Witness No. 104 :

Maulana Muhammad Amin Jhson Islahi, recalled
and states on S...-

Cross-examination by Mr. Abdur Rahman Khadim,
advocate, on behalf of Sair Anjuman Ahmadiyya, Rabwah, conti.-

- Q. Is, according to you, Government based on the idea of nationalism, Satanic (shaitani) and mischievous (mufsidana) ?
- A. Yes.
- Q. Do I understand you aright that in the case of what you have called a political (siyasi) Mussalman, belief alone is necessary, while in the case of a Haqeeqi Mussalman there must not only be belief but also action ?
- A. No, you have not understood me aright. Even in the case of a political (siyasi) Mussalman, action is necessary, but what I mean to say is that if a person does not act upon the belief that is necessary in the case of such a Mussalman, he will not be outside the pale of a political (siyasi) Mussalman.
- Q. If a political (siyasi) Mussalman does not believe in things which you have stated to be necessary, will you call such a person a be-din ?
- A. No. I will call him merely be-amal.
- Q. Do you think it is right for a haqeeqi Mussalman to give his daughter in marriage to a be-amal Mussalman ?
- A. Islam strictly enjoins that a father must see that the man to whom he gives his daughter in marriage is dindar and ba-amal.
- Q. Can a person who does not have in mind this

consideration, while giving his daughter in marriage to a be-din and be-amal Musalman, be a member of your Jama'at ?

- A. No, but if the marriage has been brought about with any such husband by reason of compelling circumstances, then the position will be different.

Q. Who is "mizaj shanas-i-basul" ?

- A. A person who has made deep study of Hadith and has acquired the faculty of distinguishing between sayings of the Holy Prophet and those of others who are not prophets, or who falsely lay claim to prophethood.

Q. Is Maulana Maudoodi mizaj shanas-i-basul ?

- A. Yes. I consider him to be so.

Q. Do you know if the fact of a person's becoming a member of Jama'at-i-Islami produces dissensions between him and the members of his family ?

- A. This is entirely wrong. There is no general tendency, though cases may occur where the relatives of a person who joins the Jama'at may not feel happy over his action.

Q. Is it true that two members of the Jama'at-i-Islami took part in the disturbances and were expelled from it ? If so, will you please mention their names ?

- A. The suggestion is wholly unfounded. No member of the Jama'at took part in the disturbances. It is, however, true that two members of the Jama'at were expelled for their having disobeyed a directive.

I do not know the names of these persons.

Q. Do you know the name of any member of your Jama'at in Lalamusa ?

A. No.

Q. Who is Muhammad Ali Kandhalvi ?

A. I have heard his name, but he is not a member of the Jama'at.

Q. Was he once a member of the Majlis-i-Shura ?

A. I do not know this at all but since I have been a member of the Majlis-i-Shura from the beginning, I should have known it if Kandhalvi had been a member of the Majlis.

Q. I put it to you that in 1942 you and Maulana Muhammad Ali Kandhalvi were both members of the Majlis-i-Shura. Is it correct ?

A. It may be that he was specially sent for to attend a meeting of the Majlis-i-Shura, but as far as I know he was never a member of the Majlis-i-Shura.

Q. Was he a member of the Jama'at-i-Islami ?

A. I do not know.

Q. I read to you the proceedings of a meeting of the Jama'at held sometime in 1942. Do you now remember whether in that year Maulana Muhammad Ali Kandhalvi was a member of the Majlis-i-Shura ?

A. I have read the proceedings. It is possible that in 1942 he was a member of the Majlis-i-Shura. He must, however, have been expelled from the Jama'at some time after 1942.

Q. Are muttafiqin subject to any disciplinary action

by the Jama'at ?

A. No. Directives issued by the Jama'at are communicated to the mittaflin but under the constitution no formal action can be taken against them.

Q. Are all the 900 members of your Jama'at Hageeqi Muslims ?

A. As far as I know they are all hageeqi Muslims.

To Court :-

Q. Are there any hageeqi Muslims in the world apart from these 900 ?

A. Yes. There may in fact be better Muslims outside the Jama'at.

To Mr. Mazhar Ali Azhar on behalf of the Majlis-i-

Ahrar :-

Q. Is "Tasneem" a Jama'at-i-Islami newspaper ?

A. It is not an organ of the Jama'at-i-Islami but Malik Nasrullah Khan Aziz, the editor of the paper, is a member of the Jama'at-i-Islami.

Q. Was Malik Nasrullah Khan Aziz a member of the Punjab Majlis-i-Amal ?

A. Yes.

Q. Is the report, Ex.D.2. 143 in the "Tasneem" of 22nd January 1953 to the effect that Maulana Maudoodi was one of the fifteen members of the Central Majlis-i-Amal correct ?

A. I can say nothing about it.

Q. Was there ever any contradiction of this report ?

A. I can say nothing about it.

Q. Look at the report, Ex. D.S. 144, in the "Tasneem" of 18th February 1953 that Maulana Maudoodi was carrying on secret correspondence with Khwaja Nazim-ud-Din. Is this report correct ?

A. When I read this news. I considered this to be a joke.

Q. Was this report ever contradicted ?

A. Malik Nasrullah Khan Aziz should know it, but this report contradicts itself by its tenor.

Q. Look at the report of the speech of Maulvi Ghulam Din published in the issue of "Tasneem" of 2nd March 1953, Ex.D.S. 145. What do you say about it ?

A. I know nothing about it but because the Jama'at wished the agitation to be carried on within constitutional limits and in a peaceful manner, any news of this kind received by the editor of the "Tasneem" was a welcome material.

Q. Why did not the Jama'at-i-Islami issue any public appeal for peace ?

A. Several articles to this effect were written in "Tasneem" which is a newspaper edited by a prominent member of the Jama'at-i-Islami.

Q. Look at the issue of "Tasneem", Ex.D.S. 146, dated 2nd March 1953 ? Did Maulana Maudoodi or the Jama'at-i-Islami, before the date of this

issue, ever object to the constitution of the Majlis-i-Amal or say that the ultimatum which had been given to the Prime Minister was ultra vires the Majlis-i-Amal ?

A. Up to that date discussion about the legality or illegality of "direct action" was going on between the representatives of the Jama'at-i-Islami and the other Parties.

Q. Why was not the second news item "راہنمایان مجلس عمل کی گرفتاری پر احتجاج" published in the same issue, contradicted ?

A. I can say nothing about it.

Q. Is Maulana Gulzar Ahmad a member of the Majlis-i-Shura ?

A. No.

Q. Is he the Amir of Jama'at-i-Islami Manwali ?

A. Yes.

Q. Look at this news item in the "Tasneem" of 3rd March 1953, Ex.D.E./145, according to which a meeting was to be held in the office of the Jama'at-i-Islami in Manwali to consider what future action was to be taken. Had any directive to members of the Jama'at been issued before the date of this news item, prohibiting them from taking any part in the 'direct action' ?

movement ?

A. I do not know the exact date, but such a directive was issued.

Q. Is any other Gulzar Ahmad a member of the Majlis-i-Shura ?

A. No.

Q. Was he one of the persons who took part in the framing of the constitution for Jama'at-i-Islami in 1952 ?

A. Yes. There was such a person. He is now under detention in jail with me. That Gulzar Ahmad, as far as I can recollect, belongs to Sargodha but resides in Mianwali.

Q. Do you know if that Gulzar Ahmad was arrested in Lyallpur ?

A. I know he was ordered to be detained for a fortnight, but I am not sure whether the order was made by the district authorities of Lyallpur or of Sargodha.

Q. Do you know Manzoor Ahmad of Narowal ?

A. Yes, but as far as I know he is not connected with the Jama'at. (The witness volunteers) The Jama'at-i-Islami issued no tickets for elections of

1951, but the local Jama'ats did help certain candidates in elections where they appeared to satisfy the Jama'at's conditions of conduct.

Q. Do you know that Maulana Abul Ala Maudoodi went to Narowal to canvass for Maulana Manzoor Ahmad ?

A. I do not know.

Q. Do you know if this Manzoor Ahmad brought a band of volunteers from Narowal to Lahore during the disturbances ?

A. I know nothing about it.

Q. Was this Manzoor Ahmad ever arrested ?

A. I do not know.

Cross-examination by Maulana Murtaza Ahmad Khan

Maikash, on behalf of Majlis-i-Amal :-

Q. Was a meeting of the Majlis-i-Shura held on 4th and 5th March 1953 ?

A. Yes.

Q. Were you present at that meeting ?

A. Yes.

Q. Did the resolution passed at that meeting contain the following :-

"سوم یہ کہ عوام کے اصل مطالبے کو جس کیلئے اتنی قربانیاں دی جارہی

ہیں ۔ منوانے کیلئے موثر تدابیر اختیار کی جائیں ان ذمہ داریوں کو ادا

کرنے کے ساتھ جماعت یہ کوشش بھی کر رہی ہے کہ جہاں تک ممکن ہو
اور جہاں جہاں بھی ممکن ہو عوام کی تحریک کو پرامن طریقہ اور حدود
اخلاق کا پابند بنایا جائے۔"

A. I do not have the resolution with me.

Q. What were the effective measures (موثر تدابیر)
contemplated by this resolution ?

A. We were of the view that the Qadiani problem had not
as yet been fully understood by the intelligentsia
and higher authorities, and the effective measures
contemplated were meant to impress upon the people
the religious, social and political importance of the
problem.

Q. What were the means to be adopted for this purpose ?

A. To publish literature and to make public speeches on
the subject.

Q. Did you think that the publishing of pamphlets was
more effective than the sacrifices people had already
made and were making at that time ?

A. We thought that the manner in which the agitation
was conducted was wrong. We had also in view the
fact that outside the Punjab the problem was not
attracting much public attention and it was necessary

to convince the people of other provinces about the implications of the problem.

Q. What did you mean by "عوام کی تحریک" contained in the following :-

"جہاں تک ممکن ہو اور جہاں جہاں بھی ممکن ہو عوام کی تحریک کو پر امن منظم اور حدود اخلاق کا پابند بنایا جاسکے"

A. Tahafuz-i-Khatum-Nabuwat movement.

Q. Did it include the despatching of batches of volunteers ?

A. The whole movement, as it was carried on, was included in this expression, but ^{WE} were against the despatching of bands of volunteers.

To Court :-

Q. Did the resolution also state :-

"اگر عوام کے ایسے مطالبات کو جن کے پیچھے دلیل کی طاقت بھی

ہو اور رائے عامہ کی قوت بھی ہلکے دلیل زد کر دیا جائے - تو عوام میں اس سے بھروسے اور ناراضگی کا پیدا ہونا بالکل ایک قدرتی بات ہے - یہی باتیں ہیں جو بالآخر لوگوں کو غیر آئینی طریقے اختیار کرنے پر مجبور کر دیتی ہیں - ہم حکومت ہی سے ہوجھتے ہیں کہ جب ایک بات دلائل سے ثابت کر دی جائے اور آپ اسے بے دلیل زد کر دیں اور جب وہ تمام طریقے بھی اختیار کر لیں جن سے کسی مطالبہ کو عوامی مطالبہ ثابت کیا جا سکتا ہے اور پھر بھی آپ اسے مان کر نہ دیں تو آخر لوگ کیا کہیں -"

words
and did not these/contain an implied admission
that disorders were the necessary result of the
situation as it then existed ?

4. No! What we meant was that Government by its own conduct had created a situation which was fraught with dangerous consequences but it did not mean that all constitutional means to have the demands recognised had been exhausted.

Cross-examination by Maulana Waikash (Continued)

- Q. Do not these words of the resolution give an impression that the Jama'at thought the public indignation to be justified ?
4. We did not consider the public in what they were doing to be right, but we did consider that the Government was in the wrong.

We also thought that the patience of the people had been exhausted.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,
on behalf of Mr. Daultana :

- Q. When did the Jama'at-i-Islami first join this movement ?
4. The Jama'at as such never joined the movement.

I was present at the Convention held in Lahore on 13th July 1952. The demands formulated at that Convention had my approval. The Convention appointed a Majlis-i-amal whose object was to take such steps as they considered necessary to have the demands accepted. When the resolution relating to the

appointment of Majlis-i-Amal was passed neither of the Jama'at-i-Islami representatives was present. I had left the meeting before the resolution relating to the appointment of Majlis-i-Amal was passed. Before the passing of the resolution Maulvi Muhammad Ali Jullundhri had mentioned to me that the constitution of a Majlis-i-Amal was in contemplation and I had replied to him that I could express no opinion in the matter until I had consulted the Ameer of my Jama'at. When I consulted Maulana Maudoodi, he thought that we should not join in the Majlis-i-Amal.

Q. Did the representatives of Jama'at-i-Islami who were appointed members of the Majlis-i-Amal, take any part in the proceedings of the Majlis from July 1952 till February 1953 ?

A. What happened was this. Once Maulana Abul Ala Maudoodi mentioned to me that Maulana Abdul Haleem Qasbi had been to him and told him that his party had differences with the other members of the Majlis-i-Amal in regard to the manner in which the movement was to be conducted. Maulana Abdul Haleem Qasbi had asked Maulana Maudoodi to lend him the support of his Jama'at so that Maulana Qasbi's viewpoint might prevail in the Majlis-i-Amal. It was with this intention that Maulana Abul Ala Maudoodi nominated two members to the Majlis-i-Amal, namely, Malik Nasarullah Khan Aziz and myself.

I attended only three meetings of the Majlis-i-Amal. Malik Nasarullah Khan Aziz may have attended some more meetings. From the end of August up to

February 1953 the public must have been under the impression that the Jama'at-i-Islami was represented at the Kajiis-i-Amal and was supporting the demands.

Q. Did you consider it to be the religious duty of every Muslim to take part in this movement?

A. Yes.

Q. Did your Jama'at approve of the direct action?

A. The Jama'at disapproved it. This attitude of the Jama'at was attributable to its constitution, which confined all activities of the Jama'at to constitutional and peaceful means.

Q. If the public start disobeying the law, is it a part of the creed of your Jama'at to support the Government against such disobedience?

A. Yes, but in this particular instance the Jama'at thought that the movement had been sponsored and was being strengthened by the Punjab Government itself.

Q. Had you any suspicion that the Central Government also was encouraging the movement?

A. We did not think that the Central Government was encouraging the movement directly, but we did think that by reason of its foolish policy, that Government had been indirectly permitting the movement to gain momentum.

Q. What about the Sind Government?

A. I know nothing about Sind.

The same is my reply about the Governments of North West Frontier Province and Baluchistan.

Q. Do these Provinces also have Jama'at-i-Islami organisations?

A. Yes.

Q. Did you issue any directive to your organisations in these Provinces that if the people started disobeying the law, the members of the Jama'at should co-operate with the Government ?

A. The general directive issued by the Jama'at was applicable to these Provinces also, but because the movement had not taken any active form in these Provinces, no special directive was sent to them.

Q. Did the Jama'at-i-Islami put in any candidates for the elections of 1951 ?

A. No. But some Jama'at-i-Islami members were induced by the local panchayats to offer themselves for elections and the Jama'at supported them.

There were also some other candidates who were being supported by the Jama'at. These candidates were not members of the Jama'at-i-Islami but satisfied the requirements of "Kard-i-Saleh" according to the Jama'at's ideology.

We did not believe that the Muslim League or the Muslim League Government came up to our standard. It is also true that the Jama'at was opposed to the Muslim League and the Muslim League Government.

- Q. Was any candidate, who was being supported by the Jama'at, elected ?
- A. Yes, he was Maulvi Mohayuddin Iakhvi.
- Q. Did Maulana Maudoodi when he returned from the Government House on 5th March 1953, have any talk with you ?
- A. Yes.
- Q. Did he tell you that the Governor of the Punjab had asked him to subscribe to an appeal to the public to refrain from lawlessness and violence, irrespective of the merits of the demands ?
- A. No. What he said to me was that on appeal by the Governor for peace, some of the audience had made speeches including the Maulana himself. The Maulana told me that in his speech he had stated that only two alternatives were open to Government (1) to crush the movement by force for which the Government did not require the assistance of the leaders, and (2) to assure the leaders that the three demands would be considered on their merits. In the latter case, the Maulana had stated that disorders would cease at once.
- Q. Were you willing to co-operate with the Central Government even if you felt that that Government was responsible for the disturbances by its foolish policy ?
- A. Yes. We were willing to extend our co-operation but the Government was not agreeable to accept it.

- Q. Did you send any instructions to your representatives in Karachi and Sind ?
- A. No, because we were convinced that Government was not willing to accept our help.
- Q. When did you offer your co-operation to the Central Government ?
- A. We made public announcements to this effect and also sent some telegrams to the Prime Minister.
- Q. Can you point to any such announcement ?
- A. On some date in early January, Maulana Maudoodi made a public speech which was subsequently published drawing the attention of the Central Government to the fact of the omission of the Ahmadiyya problem in the B.P.C. Report.
- Q. Is this, Ex.D.I. 147, the report of Maulana Maudoodi's speech ?
- A. Yes.
- Q. Can you point to any portion in it to the effect that if people took the law in their own hands the Government would have the co-operation of the Jama'at ?
- A. This specific position is not mentioned there but in the beginning of that speech you will find the Maulana laying special emphasis on constitutional means.
- Q. In the resolution of 4/5th March, the word the occurs in "pur aran" and the word "a'isee" has

been omitted. How do you explain its omission ?

A. The word "pur aman" was considered to be sufficient to exclude all non-constitutional methods.

Q. Do you know if violence resulting in damage to life and property was being resorted to by the public on 5th March before your resolution was finalised ?

A. We were not aware of the details but knew that disorder on a large scale was prevalent in the city.

Q. Did you ever publicly denounce the methods which the rioters were adopting ?

A. We disapproved of those methods in the "Qadiani Masla" which was published on 5th March 1953.

Q. Did you issue any appeal to the public to refrain from violence and lawlessness ?

A. As I have already said, we passed a resolution and Maulana Maudoodi published his "Qadiani Masla". At that time the Punjab Government had practically surrendered, the Muslim League was in the thick of the movement and everybody was enthusiastically supporting the movement. If at that time the Jama'at had issued any public statement denouncing what was going on, the wrath of the people would have turned on it.

To Maulana Maikash by permission of the Court

Q. Did you in a public meeting of 10th August read

out the representation, Ex.D.E. 148 published in the "Tasneem" of 12th August, which was being taken to Karachi ?

- A. Yes. I did read out this representation but I am not sure about the date. This representation had been adopted at a meeting of the Majlis-i-Amal held probably a day earlier. I was present at that meeting.

To Mr. Fazal Ilahi, on behalf of the Punjab

Government :-

There were some disorders in connection with the movement in the months of June and July 1952 and the Jama'at was very much concerned about them because it was felt that if the public once succeeded in having their demands accepted by or under threat of violence, it would be impossible in this country to do anything in a peaceful manner. It was also felt that there was a tendency to drift into violence. We joined the Majlis-i-Amal because we thought that there was a rowdy element in that Majlis and it was necessary for our Jama'at to dissuade this element from resorting to violent means. I suspected, though there was no evidence with me to this effect, that this unruly element had some personal relations with the Provincial Government.

To Court :-

I come from the United Provinces.

Q. " What is your education ?

- A. I learnt Arabic and studied Quran with commentaries

privately. I was also educated in Madrassa-tul-Islah, U. P.

Q. What are you doing for a living ?

A. I have written some books on religious topics and get royalty for their publications. I also get a maintenance allowance of Rs. 200/- from the Jama'at. I have written several books, copy right of which I have assigned to Jama'at-i-Islami.

Q. You have said that Ahmadis are kafir because they believe in a new prophet. Do they consider that prophet to be the promised Messiah and Mehdi-i-Akruzzaman ?

A. Yes. This is one of their claims.

Q. Have they given any higher status than this to their new prophet ?

A. Yes. In some of their writings they have put their prophet not only at an equal rank with our Holy Prophet, but on a much higher footing.

Q. Is there anything in the Qur'an to show that the Messiah or Mehdi would appear ?

A. No.

Q. Anything to this effect in the Sunnah, namely the sayings of the Holy Prophet ?

A. Yes. There are certain ahadith to this effect.

Q. Can there be a conflict between the Qur'an and the Sunnah ?

- a. No, never.
- Q. What is the punishment of a Zani in the Qur'an ?
- a. One hundred lashes.
- Q. Do you know of the incident where our Holy Prophet ordered an adulterer to be stoned to death ?
- a. Yes.
- Q. Is this not a case of conflict between the Qur'an and the Sunnah ?
- a. I do not consider this to be a case of conflict.
- Q. Is the doctrine of nasikh and mansookh applicable to Sunnah and the Qur'an ?
- a. Yes. Some writers have expressed the opinion that Sunnah can abrogate Qur'an, but I do not agree with this view.
- Q. Is Shia Sunnah based on some definite principle which differs from that on which the Sunnah of ahl-i-Sunnat-wal-Jama'at is based ?
- a. Yes. The Shias prefer sayings which are traced to the ahl-i-Bait.
- Q. To all the leading Ulama, who appeared before us, we put a common question, namely what is the definition of a Musalman, and no two Ulama appear to agree on this point. Do you think that this was a question which

required prior study to return an answer ?

A. Yes.

Q. When the Ulama assert that a certain person or community is outside the pale of Islam, are they not supposed to be absolutely clear in their minds about the definition of a Musalman ? ✓

A. If a person or a community, who is described to be a kafir, differs on a fundamental of the belief of a Muslim, the Ulama are at once entitled to declare that that person or community is outside the pale of Islam. ✓

Q. Is your definition of Musalman the result of your prior study ?

A. Yes.

Q. Do you know that this definition differs from that given by Maulana Abul Ala Maudoodi to this Court ?

A. I do not know.

Q. You said in your evidence at the last hearing that khair and shar comes from Allah. Did you in referring to khair and shar intend to refer to the doctrine of Jabr-o-qadr ?

A. No, But I do believe in taqdeer, namely, that everything is subject to the mashiyyat of Allah.

Q. Do you believe in the pre-determination of human actions ?

A. No.

Q. Do you consider the motazilas to be kafirs ?

A. No.

Q. And the khwarej ?

A. They are a misguided people but they are not kafirs.

Q. Look at the "Dastoor-i-Islami", Ex.D.E./149 and say whether this is the constitution of the Jama'at-i-Islami in Pakistan ?

A. This constitution, subject to certain qualifications, was in force in Pakistan up to the date of the present constitution of the Jama'at which was framed in 1952.

Q. Is there any fundamental difference between the constitution (Ex. D.E./149) and your present constitution ?

A. Yes.

Q. Is Exhibit D.E./149 the present constitution of the Jama'at-i-Islami in India ?

A. I do not know.

Q. Did Jama'at-i-Islami ever hold the view that no member of it could offer himself for election or take part in

any legislature ?

Q. Yes. This was the creed of Jama'at-i-Islami before the Partition and was also its creed in Pakistan up to the date of the Objectives Resolution.

Q. Do you believe that the Gospel is a revealed book ?

A. The Gospel, in its present form, is not the book as it was originally revealed to Hazrat Isa.

Q. Can you suggest the important portions of the Injeel which have been corrupted ?

A. There are several portions which have been corrupted as, for instance, the incident relating to crucifixion.

Q. Is there any fundamental difference in the way of life as enjoined or suggested by the Qur'an and the way of life enjoined or suggested in the Injeel ?

A. With the exception of certain injunctions of Hazrat Isa, which were transitory, the whole of the Injeel, as originally revealed to him, is a part of the Qur'an.

Q. Can members of Jama'at-i-Islami be faithful subjects of a non-Muslim Government ?

A. They can be peaceful subjects of such a state, but I cannot say that they can be faithful to their Government.

B.O. & A.C.

Sd. M. MUNIR.

PRESIDENT.

3rd November 1963.

2nd November 1953.

sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Ch. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by

Messrs Abdul Aziz and Said Akbar, Advocates,

for Mian Mumtaz Muhammad Khan Daultana.

Ch. Asadullah Khan, Advocate, assisted by

Messrs Abdur Rahman Khadim and Ghulam

Murtaza, Advocates, for Sadr Anjuman Ahmadiyya,

Babwah.

Mr. Mazhar Ali Akbar, Advocate, for Majlis-i-Ahrar.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-Islami.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya

Anjuman-i-Isha'at-i-Islam.

Mr. Murtaza Ahmad Khan Kaikash, on behalf of

Majlis-i-Amal.

Witness No. 105 (Called by Court) :

Abdul Karim, Prosecuting Sub-Inspector, Sialkot,

on S.A. :-

Q. Where were you on 5th March 1953 ?

A. I was A.S.I. attached to Police Station Gawalmandi.

Q. Did you record your movements in the Roznamcha on 5th March ?

A. I was on duty in Gowalmandi on that day and returned to the police station at 1 o'clock where I made the necessary entries in the Roznamcha regarding my movements.

Q. It is alleged that on 5th March you fired at and killed Abdul Aziz, Muhammad Habib, Nizam Din, Muhammad Ashiq and Mahood Ali alias Moola?

A. That day I fired only three rounds from my revolver but killed nobody.

Q. Where did you fire these shots ?

A. One near Ganda Engine, the other near Chowk Amir Ali and the third near my house. I had fired to scare away people and did not aim at any one. None was, therefore, wounded.

Q. Do you know who killed these five men ?

A. No.

Q. Was there firing in Gowalmandi on that day ?

A. Yes.

Q. Who fired ?

A. The first firing was by the regular police attached to my police station under the orders of Khan Bahadur

Khan, Superintendent of Police, Punjab Constabulary.

The other firing also was under the orders of Khan :

Bahadur Khan. The person who fired were (1) Mr. Niblet, D.S.P., (2) constables of regular police attached to my police station and (3) Khan Bahadur Khan himself.

Q. Were entries made regarding the casualties that resulted from this firing ?

A. All cases of firing by the regular police attached to my police station were recorded in the Roznamacha.

Q. Why are you being accused of having fired and killed several men ?

A. The Goonda element of my police station was against me. These Goondas are Muhammad Amin, Muhammad Husain, Abdul Wahid alias Phanna, Muhammad Husain on Basta Ali of Police, his brother Rafiq alias Chhayyo, Shuja-ul-Din, his brother Abdur Rashid and his other brother Mukhtar Ahmad, Abdul Hamid, Muhammad Rafiq alias Murshid and Fazal Ilahi alias Taini etc.

Q. Why are the Goondas against you ?

A. Because they expected assistance from the police and I never helped them.

- Q. Did anything happen to you on 5th March ?
- A. an attempt was made to burn my house. The lower storey of the house was, in fact, burnt. A relation of mine, Muhammad Yaqub, who was with me in those days, was wounded. Muhammad Yaqub is the brother of my husband and is employed in the S.R.P.
- A constable, who also happened to be present near my house at the time of the incident, was struck on the head with a lathi. One head constable was shot at and wounded. His name is Abdul Qadir Beg.
- Q. Why was your house set on fire ?
- A. Because I was falsely proclaimed as a Mirzai and it was given out that I had indulged in indiscriminate firing in the Chowk near Mayo Hospital where some Government vehicles were burnt.
- Q. Was the incident relating to firing also mentioned in the Roznamcha ?
- A. Yes. First information report about this incident was given by one Bassa Gujar.
- Q. Where were you after 1 o'clock ?
- A. In the Police Lines. I had to take refuge there with my family.

Q. Was this also mentioned in the Roznamcha ?

A. Yes.

Q. Why did Khan Bahadur Khan order this firing ?

A. When I was with him people were throwing stones at us, we, therefore, had to fire in self-defence to disperse the mob and to take away my family .

Cross-examination by Mr. Fazal Ilahi on behalf of the Punjab Government :-

The entry in the Roznamcha was made by A.S.I.s, Bashir Hussain and Faiz Ahmad. These two officers had accompanied me to the Police Lines and escorted my family and myself to that place and made an entry in the Roznamcha at 6 o'clock on their return from the Police Lines. The copy of that report is Exhibit D.E./142.

To Court :-

Q. Were the incidents of 5th March the subject matter of any inquiry ?

A. Yes. Mr. Ata Muhammad Noon, D.I.G. held an investigation.

To Mr. Mazhar Ali Azhar, on behalf of Majlis-i-Ahrar :-

Q. Were there Mirzais living near about your house ?

A. Yes.

Q. Was the house of any one of them set on fire ?

A. Yes.

Q. Are there any houses of Kirzais near the place where the five men were killed ?

A. Yes.

Q. Were any one of those houses burnt or attacked ?

A. Yes. The buildings set on fire near that place were (1) Khanna Building, (2) a house on the Fleming Road, (3) another house on Nisbet Road and (4) another house on the Railway Road, etc.

Q. Was any entry made relating to the deaths of these five men who are said to have been killed on 5th March ?

A. No.

Q. Was any report recorded about the burning of the houses you have mentioned ?

A. Yes.

B.O. & A.C.

Sd. M. MUNIR.
PRESIDENT.

2nd November 1953.

O R D E R .

Adjourned till tomorrow.

Sd. M. MUNIR.
PRESIDENT.

2nd November 1953.

WITNESS NO. 106 { Called by Court } :-

Khawaja Nazir Ahmad, Barrister-at-Law, Lahore, on

S.A. -

The written statement filed by Maulana Abul Ala Maudoodi in this Court was reproduced in the "Nawai Waqt" of 12th and 13th October 1953. On reading that statement, I addressed the letter Ex.D.2.150 to this court.

Q. What is the inaccuracy in the statement of Maulana Maudoodi ?

A. Except for the fact that I did go to see Maulana Maudoodi, the whole of the side-lined portion of the written statement of Maulana Maudoodi as published in the "Nawai Waqt" is incorrect. In this written statement it is stated that Maulana Maudoodi asked me to go to Mirza Bashirul Din Mahmud Ahmad at Babwan in order to persuade him to make a statement on the three points mentioned in the side-lined portion of the written statement. This is incorrect.

Q. What is then the truth ?

A. I am an Ahmadi and controlling shareholder of the Civil and Military Gazette. A man came to me whom I took to be a messenger from Maulana Maudoodi.

The man himself did not say that he had been sent by the Maulana, but I thought that he was an emissary from the Maulana because I knew him to be a great sympathiser of Jama'at-i-Islami. He asked me to change the policy of the Civil & Military Gazette in connection with the Qadiani movement. He held out to me the threat that unless the paper changed its policy, the Civil and Military Gazette building would be burnt and entire machinery destroyed. Being under the impression that he was an emissary of Maulana Maudoodi, I asked him to accompany me to Maulana Maudoodi that the message referred to above had been conveyed to me. I questioned the Maulana what difference did he find between my religious views and his to justify such a threat. I told him that we did not believe Mirza Ghulam Ahmad to be a prophet of any kind, that like Mirza Ghulam Ahmad we would consider a claimant of prophethood after the Holy Prophet to be a kafir and kazib, and inquired of him if he could point out anything in my beliefs or that of the Lahore Jama'at different from his views. The only charge he levelled against me was that I was

supporting the Qadianis. I told him that the Civil & Military Gazette was an independent paper which would support anyone whom we considered was being subjected to terrorism and that everyone in Pakistan had a right to believe in anything he pleased. I also told him that if an atheist was the subject of villainy or terrorism on religious ground, the civil & Military Gazette would support him. I pointed out to him that his views qua the Qadiani subject, as published in "Masla-i-Qadiani" were not sincere. I said that when I read that pamphlet my reaction was that he had merely reproduced in an abstract form, Ilyas Burney's book, because Ilyas Burney had divided his book into two parts; one dealing with the alleged claims of Mirza Ghulam Ahmad about Nabuwat and the other part dealing with his directions to his subjects to be loyal to Government, and in "Masla-i-Qadiani" exactly these two divisions had been made. I told Maulana Sahib that while submission to Government was in fact in accordance with the Quranic injunctions, in case of the claims to prophethood, both Ilyas Burney and he had quoted every time from sources other than Mirza Ghulam Ahmad, and I challenged .

him to produce a single statement of Mirza Ghulam Ahmad claiming to be a prophet. I asked him why he had not quoted any statement of Mirza Ghulam Ahmad himself in this "Masla-i-Qadiani" and had instead relied on other books, and gone to the extent of quoting only one sentence from a letter of Mirza Sahib without referring to the original context wherein the Mirza Sahib had, in fact, denied all claims to prophethood in the Islamic terminology. This letter I pointed out to the Maulana had been written on the 23rd of May 1908, while Mirza Sahib had died on the 26th of May 1908. Then I questioned him if he could tell me which aspect of his Islam allowed what had been taking place in Lahore. I said that rape had been committed in Lahore; people had been burnt alive; houses had been looted; Maulvi Ghulam Mohayuddin Qasuri's house had been earmarked for being burnt or looted.

Maulvi Ghulam Mohayuddin Qasuri was an ahmadi, ✓
having taken the ba'at some time in the nineties. His name appeared among the first 313 followers of Mirza Ghulam Ahmad. Allama Iqbal also took the ba'at in the year 1893 or 1894.

Q. Have you personal knowledge of it ?

A. I had subsequently knowledge of this fact. In the year 1930 or 1931, both Dr. Iqbal and Mirza Bashirud Did Mahmud Ahmad were members of the Kashmir Committee, which was formed to liberate the Kashmiri Muslims. Certain differences arose between the two and thereupon Allama wrote a book against the Ahmadis and then from step to step he went further. In that very year I and my late father, Khwaja Kamal-ud-Din, saw Dr. Iqbal and my father, who was a great friend of Dr. Iqbal, questioned him "oh yar teri be'at da ki hoya" (my friend what happened to your be'at) and the Allama replied: "oh wela hor si eh wela hor ae" (the times have changed). Dr. Iqbal had his eldest son Aftab educated in Qadian for a number of years.

To resume my conversation with Maulana Maudoodi. When I asked him about the events which were then occurring in Lahore, he said that he did not approve of them. I asked him why he had not publicly said so. His first reply was that he could not condemn the people without condemning the Government. I invited him to write a statement condemning both of them and

gave him an assurance that we will publish it on the first page of the Civil & Military Gazette. He refused and said that he had already written a pamphlet. I said that very few people might read it; though the Americans would.

Thereafter we began to discuss the statement of Mirza Bashir-ud-Din Mahmud Ahmad which was published in the Civil & Military Gazette of 23rd February 1953, Ex. D.E. 151. The Maulana remarked at that time that it does not say anything about the saying of funeral prayers for a Chair Ahmadi or about the effect of a Chair Ahmadi girl being married to an Ahmadi. I told him that these things were not the essentials of faith and an Ahmadi was free to marry anywhere he pleased and say prayers behind any Imam he liked and that I attached no importance to these trivialities. It became Maghrab time and we both said our prayers together. He was the Imam and I was a Muqtadee. I left after this. Maulana Maudoodi never asked me to go to Rabwah and he fully knew that he was not in a position to ask me to do anything.

Q. Then why did you go to Rabwah ?

A. Mr. Yaqoob Khan, the editor of the Civil and Military

Gazette and myself went to Rawwah in February 1953 to interview Mirza Bashir-ud-Din Mahmud Ahmad in connection with this paper. We put certain questions to him and he gave answers which were published by us. We were satisfied with his answer that every one who calls himself a Muslim is a Muslim.

In March 1953 I happened to be in Karachi when I discussed Mirza Bashir-ud-Din Mahmud Ahmad's statement with a gentleman. He was a high personage and I do not wish to disclose his name except to the Court in confidence. In the course of my conversation with him he said that this statement should be clarified to the extent that there should be no restriction for Qadianis to say their prayers behind non-Ahmadis provided they were not "Mukaffirs" or "mukazzibs" and there should also be no restriction in saying the funeral prayers provided the deceased was not a "mukaffir" or a "mukazzib". I then went to Rawwah along with Mr. Yaqoob Khan in order to ascertain Mirza Bashir-ud-Din Mahmud Ahmad's views and if need be to get a statement to be published again. He told me that he was looking out for the original letter of Mirza Ghulam Ahmad in which he had declared that there was no object in saying prayers

behind non-Ahmadis who are not mukaffar or "mukazzabs".

I mentioned to him that that letter had been published in the year 1914 in the "raigham-i-Sulah". He told me that he hoped to get the original which I now understand he has discovered. He then told me that as soon as he got the letter, he will have no hesitation in asking his followers to follow the directions contained in that letter.

To Mr. Fazal Ilahi on behalf of Punjab Government :-

I twice met the Governor in connection with this agitation. In the second interview which I had with the Governor, sometime during the Martial Law days, the Governor told me that he was not more than a constitutional Governor and that the Chief Minister Mr. Daultana was being guided by bad advisers.

During the agitation the Hon'ble Dr. Ishtiaq Hussain Qureshi, a Minister of the Central Government, came to Lahore. I met him and told him that Mr. Nur Ahmad, Director of Public Relations, was actively interested in the agitation because indentional articles were appearing in different vernacular newspapers agreeing in substance

and even in punctuation, thus indicating a common origin. I gave him my view that all these articles had emanated from the Public Relations Department. He said that he had already been told about this by another gentleman that very morning. After this the Minister went to the office of two or three vernacular newspapers and obtained the original manuscripts of those articles and questioned Mr. Nur Ahmad about them. The Minister said that Mr. Nur Ahmad admitted before him that the articles were his own production. The Minister added that after this he went to Mr. Daultana and complained to him about but that Mr. Daultana expressed ignorance and promised to inquire into the matter. The Minister then reported the matter to the Central Government.

Exhibit D. E. 152 is a statement to which I and fifteen or sixteen other members of the the Lahore Jama'at-i-Ahmadiyya were signatories. This was published in the "Dawn" of Karachi. We intended to publish this statement in Lahore papers also but we were ordered by the authorities concerned not to do so.

I contributed an article "The Seal of the Prophets" to the Civil & Military Gazette of 31st 1952,

Ex. D. E. 153 .

Sd. M. MUNIR.

PRESIDENT.

3rd November 1953.

ORDER .

at the request of the parties the cross-examination of this witness is postponed to a date to be fixed subsequently.

Inquiry adjourned to 10th November, 1953.

Sd. M. MUNIR.

PRESIDENT.

3rd November 1953.

13th November 1953.

50th Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M. H. Kayani, Member.

Mr. Fazal Ilani, Advocate, assisted by
Mr. Ijaz Ali, for the Punjab
Government.

Mr. Asadullah Khan, Advocate, assisted by
Mr. Ghulam Murtaza Khan, Advocate, for
Sadr Anjuman Ahmadiyya, Babwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-
Ahrar.

Mr. Yaqub Ali Khan, Advocate, for Mian
Muntaz Muhammad Khan Daultana.

Maulana Murtaza Ahmad Khan Makash, Member,
Majlis-i-Amal, in person.

Mr. Said Malik, Ameer-i-Jama'at-i-Islami,
in person.

WITNESS NO. 106 (Called by Court, continued):

Khawaja Nazir Ahmad Barrister-at-law, Lahore,
on S.d :-

(NOTE :- At the very outset the witness points to the
report of the proceedings of this Court published
in the Pakistan Times of 4th November, which

contains the heading : "Iqbal was Qadiani up to 1931, says Kh. Nazir".

The witness points out that this is misrepresentation of his evidence in Court, because he never stated that allama Iqbal was Qadiani. What he stated was that allama Iqbal had taken the ba'at. The witness also corrects his previous statement by stating that allama Iqbal did not, as previously stated by the witness, take the ba'at in 1893 or 1894 but in 1897 and that the witness had been reminded of this fact by Maulvi Gulam Ahy-ud-Din Kasuri in the Bar Room when he had a talk with the witness on this subject.)

Cross-examination by Mr. Fazal Ilahi, on behalf of the Punjab Government :-

Q. Were any articles published in the 'Civil & Military Gazette' by 'Mufakkir'?

A. Yes.

Q. Who is 'Mufakkir'?

A. Maulvi Ibrahim Ali Chishti. He was paid for these articles by the 'Civil & Military Gazette'.

Q. Who is Muhagiq?

A. Mir Nur Ahmad, ex-D.P.B. He also contributed some articles. One of these articles is still within my memory.

Cross-examination by Mr. Nazhar Ali Azhar on behalf of Majlis-i-Ahrar :-

- Q. You have said that you do not acknowledge Mirza Ghulam Ahmad as a prophet. Have you read the pamphlet "EK GHALTI KA ILAZ" by Mirza Sahib himself?
- A. Yes.
- Q. Please read pages 1 to 4 of this pamphlet and say whether Mirza Ghulam Ahmad Sahib did not in this pamphlet claim to be a Rasool, a Mursal, a Zilli and Baroozi Nabi and even claimed himself to be Muhammad and Ahmad?
- A. These pages must be read in the light of the repeated observations by Mirza Sahib that all his ilhams and writings must be read in the light of the Qur'an and the Hadith and that, if there was anything in his ilhams and writings repugnant to Qur'an and Hadith, it must be rejected. The Qur'an describes our Holy Prophet as Khatim-un-Nabiyyeen and there is a generally accepted Hadith la nabiya-ba'di. Mirza Ghulam Ahmad Sahib understood the expression "Khatim-un-Nabiyyeen" in the Qur'an in the sense that our Prophet was the last of the Prophets and he also believed in the correctness of the Hadith "la nabiya-ba'di". These four pages of "EK GHALTI KA ILAZ" have not been properly understood by the cross-examiner. Mirza

Sahib wrote a poem entitled " میرا اور میری جماعت کا مذہب " in which he said :

"ما مسلمائیم از فضل خدا - مصطفیٰ مارا امام و پیشوا
اندوین زمین آئندہ از مادیتم - ہم دوش از دار دنیا بگرییم -
مست از خیرالرسول خیر از نام - مر نبوت را بروشد اختتام -"

Mirza Sahib believed that Wahi-i-Nabuwat could only be brought by Hazrat Jibraeel and that, after the Holy Prophet, Hazrat Jibraeel could neither bring nor has thought such Wahi. Mirza Sahib never claimed to be masoom like the Prophets of God. Prophets of God bring Shara (law) from God. They believe in those Sharas (laws) and ask people to believe in them. Mirza Sahib never brought any Shara (Law). To do away with any misgivings Mirza Sahib wrote definitely that, if the word "Nabi " used by him was irksome to any one, it should be scored off and the word "Muhaddas" should be written in its place. He always proclaimed that he believed in the principles followed by Ahl-i-Sunnat-wal-Jam'at, unless he was directed otherwise by God Almighty. In the conditions of be'at he never obtained an oath of allegiance as a "Nabi" or even as a "Muhaddas". It was merely a be'at of "akhawat". The be'at that one was to render to Mirza Sahib stated that the person taking the "be'at"

was to prefer din to dunya. In the writing which has been shown to me the words "Masool", "Mursil" and "Nabi" have been used in their literal and metaphoric and not in their technical sense. The highest claim that Mirza Sahib ever made was that of "Muhaddas". There is also a Hadith in which Mirza Sahib believed, that "Ulema-i-ummati", namely, the religious divines of his ummat, would be like the prophets of Bani Israil. This shows that person in the ummat of our Holy Prophet would be on a private previous prophets, but not with our Holy Prophet. Mirza Sahib has also made it clear in "Ghashma-i-Ma'rifat", 1908 edition, pages 180-181, that the word "nabi" was being used by him in its dictionary meaning, namely, as a person who receives revelation (ilaham).

Q. Do you agree with what is stated at page 13 of the pamphlet "Ek Ghalati ka Izala" ?

A. Allegorically yes, physically no.

To Maulana Ghulam Murtaza Ahmad Khan MaiKash :-

Q. Do you know of any case of rape committed during the disturbances ?

A. It is in the Police reports.

Q. Did the police make any inquiry into it ?

A. I do not know.

Q. Do you know of any instance where a living man was burnt to death ?

A. Two men were burnt to death on Nisbet Road. I was not present at the time of this incident.

Q. Do you know if there was any investigation into this incident ?

A. I do not know.

I mentioned these incidents in my evidence because I believed them to be true. My interview with Maulana Maudoodi was near the end of February. It was, in any case, before the proclamation of Martial Law.

Q. When was your first visit to Babwah ?

A. I first went to Babwah early in February 1953 and the second time after the Martial Law had been proclaimed.

Q. Do you know that the house of Maulvi Ghulam Mohy-ud-Din Kasuri had been marked for being burnt ?

A. He himself had told me about it, though now he says that it was not so marked.

Q. What is the fatwa of the Lahore sect of Ahmadis against those who believe Mirza Ghulam Ahmad Sahib to be a prophet ?

A. According to Mirza Sahib's own words, those who believe him to be a prophet, are la'ntiz and kafirs.

- Q. If a person has been declared by the decree of a properly constituted Qazi of an Islamic State to be a dajjal, kazib and muftri, what will be your opinion about those who consider such a person as Majaddad-i-din and mazhabi peshwa ?
- A. I would consider such a Qazi to be an idiot if he denounces a man as a kafir who recites the Kalima.
- Q. Is it permissible, according to the Lahore sect of Ahmadis, to say prayers behind a person who is mukazzib and mukaffir of Mirza Ghulam Ahmad Sahib ?
- A. I see nothing wrong in this.
- Q. Is the denier of a Mujaddid a Kafir ?
- A. No, certainly not.
- Q. Do you remember a munazira between the Lahore sect of Ahmadis and the Qadiri sect held in 1937 at Rawalpindi ?
- A. No. I was in England.
- Q. Did Allama Iqbal belong to the Lahori sect of Ahmadis ?
- A. He was never a member of the Ahmadiyya Anjuman-i-Isba'at-i-Islam, but he continued to believe Mirza Ghulam Ahmad Sahib to be a Mujaddid up to 1930.
- Q. Did Allama Iqbal in any of his writings say that he believed Mirza Ghulam Ahmad Sahib to be a Mujaddid ?

A. No. He orally acknowledged Mirza Ghulam Ahmad Sahib to be a Mujaddid.

Q. Did Allama Iqbal ever write any poem about Mirza Ghulam Ahmad Sahib ?

A. I am not aware of any such poem.

(NOTE: At this stage the cross-examiner draws our attention to the book "Seeratul Mahdi" written by Mirza Bashir Ahmad, younger brother of the present head of the ahmadiyya Community, in which an incident relating to the be'at taken by Allama Iqbal's father is mentioned and in which there is no reference whatsoever to Allama Iqbal's own be'at. The book was written in 1939.)

Q. Were there any arrangements at the Woking to impart religious instruction to the cadets of the Pakistan Air Force who went to England for training ?

A. No. These cadets were about 200 miles away from Woking. Government of Pakistan wished that they should say their Friday prayers together. The High Commissioner for Pakistan tried his level best to get someone to lead the prayers. He failed in his efforts. As a last resort he asked the Imam of the Woking Mosque to make arrangements for their Friday prayers. Accordingly he asked a representative of the Woking Mosque to go every

Friday to the place where the cadets were to lead the prayers. Such person was not invariably an Ahmadi.

Q. Sometimes even British converts used to go for the purpose.

Q. Is it stated in the "Jaiza" published by the Ahmadiyya Anjuman-i-Isha'at-i-Islam that at the instance of Pakistan Government arrangements for the religious instruction of Air Force Cadets had been made at the Woking Mosque ?

A. It must mean what I have said. No arrangements had been made at the Woking.

Q. Is it a fact that all deputations from Muslim countries visiting England used to be brought to the Woking Mosque by British authorities ?

A. No. Embassies of Muslim countries used to go to Woking on their own account.

Q. But look at the following statement in the "Jaiza" :-

"برٹش گورنمنٹ کے جو مہمان لندن شہر، اہمیت میں ان میں اکثر اسلامی ممالک کے وفد سرکاری طور پر ورننگ لائے جاتے ہیں۔"

and say what the words "sarkari" taur par" mean ?

A. The words "sarkari taur par" mean the Governments of

the Embassies of the Muslim countries from which the
the deputations came.

- Q. Did the Ahmadiyya Anjuman-i-Isha'at-i-Islam ever
receive a grant of forty-one squares of land for
services rendered to the Government before the
Partition ?
- A. These squares were sold by Government to a Christian
Missionary organisation for the uplift of the criminal
tribes. The grant was in the form of a lease. The
mission, however, was unable to pay the lease money,
with the result that the Government resumed the grant.
Subsequently, this land was offered by Government to
Arya Samaj, to Sanatan Dharma and to Ahmadiyya
Anjuman-i-Isha'at-i-Islam, the three propagating
organisations in Lahore. The two other organisation
refused, but the Anjuman accepted the grant. So far the
Anjuman has paid on lac and several thousand rupees as
purchase money. The balance due is about Rs. 10,000/-.
- Q. What is the authority in Hadith for the proposition
that out of the ummat of the Holy Prophet there will
be men who will be like the prophets of Bani Israil ?
- A. Mishkat.

To Mr. Nazir Ahmad Khan, advocate, on behalf of
Jama'at-i-Islami :

Q. Did you report to the police the threat held out to
you by the emissary of Maulana Abul Ala Maudoodi ?

A. No. but I went to Mr. Daultana, told him of the
incident and asked for police protection at our expense.
He directed his secretary Mr. Hurmat-beg to ask the
Inspector-General of Police to make the necessary
arrangements. Next morning Mr. Hurmat Beg told me
that the Inspector-General had not agreed to this.

Q. Did you contact the Inspector-General direct ?

A. No.

Q. What was the policy of the Civil & Military Gazette
regarding the Tahaffuz-i-Khatm-i-Nabuwat movement ?

A. We believed it to be a political stunt on the part of
the Ahl-e-Hadith and the Jama'at-i-Islami to seize power by
exploiting religious sentiments of the masses. The
Civil & Military Gazette was, therefore, opposed to
the movement.

Q. When did you acquire control over the share of the
Civil & Military Gazette ?

A. On 7th of December 1949.

I purchased the share from Dalmia Cement and Paper

Marketing Company Limited.

Q. Have the shares been paid for ?

a. The condition on which the shares were transferred was that the money was to be paid to a resident of Pakistan and not to be taken out of the country. I informed the State Bank of this transaction and that when money was paid by me, the act of payment would be communicated to them to enable them to take steps to prevent the money from going out. Dalmia nominated two persons, who were to receive the payment from me, but since they were not residents of Pakistan, I refused to make any payment to them. No payment has so far been made. The amount is seven lacs odd.

Q. Have you ever been in the employment of Dalmia ?

a. No.

Q. When was "Millat" started ?

a. In May 1953.

Q. Who owns the "Millat" ?

a. The Civil & Military Gazette Ltd.

I am the chairman of the Board of Directors of the Civil and Military Gazette.

Q. Were you ever sent for by Mr. Anwar Ali and warned again

the attitude that the Civil & Military Gazette had adopted regarding the movement ?

A. He did not warn me. all that he said was that because the Civil & Military Gazette was being taken as an Ahmadi paper we should be cautious. He never said that the writings in the Civil & Military Gazette were inflammatory.

Q. Did Mr. Anwar Ali tell you that the warning was being given to you under the directions of Mr. Daultana ?

A. No.

Q. When you went to Maulana Maudoodi with the emissary, did you tell the Maulana that the emissary had held out a threat to you ? ✓

A. No. I just stated that his message about the intention to burn the Civil & Military Gazette Office had reached me. ✓

Q. Is there any documentary evidence about this threat ?

A. No.

Prior to my visit to Maulana Maudoodi, I was not on visiting terms with him though on one occasion I met him when he performed the nikah of my niece.

Q. What was your object in going to Maulana Maudoodi ?

A. I wanted to inquire from him the reasons for the

threat which had been held out to me.

I mentioned the treat to him but since he would not come to the point, I dropped the subject. The discussion about the comparison of his faith with mine was started by myself.

Q. I suggest it to you that this took place round about 20th March. Is it correct ?

A. No. My recollection is that it was about the end of February.

Q. You have said in your evidence that the "Qadiani Masala" came up for discussion. I put it to you that this pamphlet was not published before 5th March. How do you explain this ?

A. I had read what is contained in the Masala in the Tarjuman-ul-Qur'an of February 1953, under the heading "Isharat". The whole of the "Qadiani Masala" was reproduced under the heading "Isharat". The words "Qadiani Masla" are not mentioned in the "Isharat" anywhere. The "Qadiani Masla" appeared many times. As far as I know it appeared for the first time with a thin pink cover sometime in February. Later on, however, the cover was changed to a thick pink cover.

Q. Was not the "Tarjuman-ul-Qur'an" to which you have referred published sometime in March ?

A. I read it in February.

Q. Can you be sure of the date on which you read the "Tarjuman-ul-Qur'an" ?

A. This was sometime near the end of February.

My own desire was to reduce the gulf between the Ahmadis and the general body of Musalmans but since the "Ulama" had come into the field, the situation had become hopeless.

Q. Did you go to Kabwah despite the feeling that the situation had become hopeless ?

A. The idea was that we should obtain from Mirza Bashir-ul-Mahmood Ahmad a statement which might ease the situation. I went to Kabwah in early February, probably the first week.

I intended to obtain Mirza Sahib's replies to the following three questions :-

- (1) The main cause of the present anti-Ahmadiyya agitation is the common allegation that the Ahmadis do not consider the Holy Prophet Muhammad (peace and blessings of God on him) as Khatamun-Nabiyyin. Is there any truth in this allegation ?

- (2) The other allegation is that the ahmadis call non-ahmadi Muslims as 'kaffirs'. Is this allegation founded on fact ?
- (3) In view of this explanation, your position seems to me to be almost identical with that of Maulana Maudoodi, Amir of Jama'at-i-Islami, according to whom there are two categories of Muslims — the 'Saleheen' or real Muslims and the others whom he calls 'Isami' and 'hasmi' Muslims. Do I correctly understand your position ?
- The answers given to these three questions are to be found in Ex.D.2. 151.

Sd. M. MUNIS.
PRESIDENT.

Sd. M.B. KAYANI.
MEMBER.

13th November 1953.

O B D E R .

Adjourned till tomorrow when the cross-examination of Kowaja Nazir Ahmad will be resumed.

Sd. M. MUNIS.
PRESIDENT.

13th November 1953.

Sd. M.B. KAYANI.
MEMBER.

17th November 1953.

52nd Sitting.

Present :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for
Punjab Government.

Mr. Asadullah Khan, advocate, assisted
by Messrs. Abdur Rahman Khadim and
Ghulam Murtaza, Advocates, for Sadr
Anjuman Ahmadiyya, Rawan.

Mr. Fateh Muhammad Aziz, Advocate, for
Ahmadiyya anjuman-i-Isha'at-i-
Islam.

Mr. Nazhar Ali Azhar, Advocate, for
Majlis-i-Ahrar.

Mr. Yaqub Ali Khan, Advocate, assisted by
Malik Abdul Aziz and Raja Said Akbar,
Advocates, for Mian Muntaz Muhammad
Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at -
i-Islami.

Maulana Murtaza Ahmad Khan Laikash, Member,
Majlis-i-Amal, in person.

WITNESS NO. 106 (Called by the Court) continued :

Khwaja Nazir Ahmad, Barrister-at-Law, Lahore,

on 8.4 :-

(NOTE : The witness referring to his evidence at the previous hearing states that in answer to a question "What is the fatwa of the Lahori Sect of Ahmadis against those who believe Mirza Ghulam Ahmad Sahib to be a prophet", the reply as recorded, "According to Mirza Sahib's own words, those who believe him to be a prophet, are la'ntiz and kafirs", is incorrect and that probably he was not able Lahore sect has never issued any fatwa on the subject and that Mirza Sahib himself had on various occasions stated that a claimant to prophethood after the Holy Prophet was a kafir, a kazib and a zindiq.)

To Maulana Murtaza Ahmad Khan Malikash by
permission of the Court :-

Q. In your previous statement you cited Mishkat as an authority for the proposition that scholars from the ummat of our Prophet will be

like the prophets of Bani Israil. Can you give the exact reference to this hadith in the Mishkat ?

A. I shall have to look up the Mishkat for it.

To Mr. Nazir Ahmad Khan, continued :-

Q. Who sent you to Babwah for the first time ?

A. I went of my own accord.

Q. What was your object in going to Babwah ?

A. I have already answered this question. (The witness is right.)

Q. What was your object in obtaining replies to the questions you intended Mirza Bashir-udDin Mahmud Ahmad to answer ?

A. To let the general body of Muslims know that Mirza Sahib considered our Prophet to be the last of the prophets and that he did not believe Mirza Ghulam Ahmad to be a prophet. Mirza Bashir-ud-Din Mahmud Ahmad answered the question in the manner I expected.

Q. What was the object in publishing the statement of the Lahori Anjuman Ahmadiyya, ix.D.E. 162 ?

A. The object was the same.

Q. What are the fundamental differences between the beliefs of the Lahore Ahmadis and those of the Qadianis ?

(Question disallowed as irrelevant.)

Q. Are the differences between the Lahore Ahmadis and the Qadianis fundamental ?

A. No.

Q. What was the status of the emissary whom you suppose had come to you from Maulana Maudoodi ?

A. He was a relative of mine.

To Court :-

Q. What was his name ?

A. Mr. Soofi.

Q. What are his particulars ?

A. He is Deputy Auditor General, Government of Pakistan.

To Mr. Nazir Ahmad, continued :-

Q. Did you ask Mr. Soofi whether he had been sent by Maulana Abul ala Maudoodi ?

A. No.

Mr. Soofi was a sympathiser of the Jama'at-i-

Island though not a member.

Q. Did you ask him directly whether he had brought the message from Maulana Abdul Ala Maudoodi ?

A. No.

Q. Did you take the threat seriously ?

A. Of course.

Q. Did you disclose the name of Mr. Scofi to the Chief Minister?

A. No.

Q. I take it that you thought Mr. Scofi was merely giving you personal advice ?

A. No. I thought that he had been instructed to convey the message to me by Maulana Maudoodi.

Q. Why did you not report the matter to the police ?

A. It was useless to do so because in my opinion the police were not doing their duty properly in those days.

Q. Did you mention this threat in the letter that you wrote to the Court of Inquiry ?

A. No.

Q. Why did you go to Maulana Maudoodi when you knew that a threat had been held out by him ?

A. Because I was wrongly under the impression that

Maulana Mauloodi was sincere and serious — sincere in his beliefs and serious in his threat; but in the light of my talk with him, I was disillusioned.

Q. Did you go to Maulana Mauloodi merely to find out whether he was serious in his threat ?

A. I went to him in order to discuss what I had been told by his emissary .

Q. Why did you discuss religious issues with him then ?

A. Since he was dodging the main issue, we started discussing other matters.

I think the threat was held out to me because Maulana Mauloodi considered that the Civil & Military Gazette was supporting the Qadianis.

Q. After the threat, did you not feel my embarrassment in going to the Maulana ?

A. If I had felt any embarrassment, I would not have gone to him.

Q. What did you mean when you told Maulana Mauloodi that he was not sincere in his views expressed in the "Qadiani Masala" ?

A. So far as the doctrine of Nabuwwat is concerned, the Maulana had asserted that Mirza Ghulam Ahmad Sahib

had claimed him-self to be a prophet while the fact of the matter was that the Maulana knew that no such claim had ever been made by Mirza Sahib.

Q. What did you mean when you said to Maulana Mawloodi that very few people would read the "Qadiani Masala", though the Americans would ?

A. You cannot imagine how information pours into a newspaper office. I have reason to believe that the Maulana was being financed by certain Americans.

To Court :-

Once I went in a deputation to His excellency Mr. Chundrigar, the then Governor of the Punjab. Professor Inayat Ali was one of the members of that deputation. In the course of conversation Professor Inayat Ali asked His excellency whether he was aware of the source from which the money for the Jama'at-i-Islami Ambulances came. Before His excellency could reply I stated that Maulana Mawloodi was being financed by certain Americans. To this, His excellency replied : "Note Now". I cannot give the exact date or month when the deputation waited on the Governor, but it was near the end of 1952 or in the beginning of 1953. When I said to Maulana Mawloodi that the

"Qadiani Masala" would be read by the Americans, the Maulana just kept quiet.

Q. Do you know what the precise American sources were which were financing Maulana Maudoodi ?

A. I should be excused from answering this question, because it may create some inter-National complications.

(NOTE: The witness has been directed to write on a slip of paper the names of such American sources and give it to the Court. The witness has done so and the information supplied has been destroyed.)

To Counsel (continued) :

Q. Did the Maulana in the course of conversation refer to any particular article that the "Civil & Military Gazette" had published in support of Qadiani Ahmadis ?

A. No.

Q. Since when have you been supporting the Qadiani Ahmadis in the "Civil and Military Gazette" ?

A. I cannot say. I myself wrote only one article under the heading "The Seal of the Prophets", which was published in July 1952. In fact it is not quite correct to say that the "Civil & Military Gazette" was

writing in favour of the Qadiani Ahmadis. It is, however, true that the paper was writing against the so-called Ulama, who, for their selfish ends, had brought this issue to the forefront.

Q. When did you have this talk with Maulana Maudoodi ?

A. About the end of February 1953. The exact date I cannot give.

Q. Look at the pamphlet "Qadiani Masala", 2x, D.E./164, and say whether it purports to have been printed on 5th March 1953 ?

A. This document, which you are showing to me, has a thick pink cover. The one that I saw, I have already told you, had a thin pink cover. The "Qadiani Masala", that I read in a pamphlet form and a published in the 'Tarjuman-ul-Qur'an', was in Urdu.

Q. If I tell you that the copy of "Tarjuman-ul-Qur'an" containing the "Qadiani Masala" was sent to the Mercantile Press on 4th March 1953, will you deny the assertion ?

A. All their faked evidence will not affect my conviction that I read the "Qadiani Masala" about the end of February 1953.

In my talk with the Maulana I only referred to the "Qadiani Masala" as published in the "Tarjuman-ul-Qur'an."

Q. I put it to you that you are labouring under an honest mistake and that in fact you saw the Maulana on or about the 20th March 1953 ?

A. No. There is no mistake. The incident I have mentioned could not have occurred on or about 20th March 1953, because I saw the Chief Minister about the threat before the proclamation of Martial Law. Further, I could not have invited the Maulana to publish an article condemning the Government after the commencement of Martial Law.

Q. Which incidents of rape, arson and loot had you in mind when talked about these matters to Maulana Maudoodi ?

A. In the first week of March I had gone to Karachi where I stayed for ten or fifteen days. Martial Law was declared in Lahore while I was still in Karachi. Before I left for Karachi, I had learnt of people having been burnt alive. I had also heard of instances of rape before I went to

Karachi. Looting, of course, was too familiar a phenomenon in Lahore in those days. A case of rape had occurred near Wazirpur.

Q. Can you give us the date of that rape ?

A. No.

Q. Any further particulars about it ?

A. No. I cannot give the exact dates of these happenings.

Q. The official version is that such instances occurred on or after the 4th of March. Is it correct ?

A. I will still say that my version is correct, namely, that the instances I have mentioned did occur before the 4th of March .

Q. When did you leave for Karachi ?

A. On some day in the first week of March.

Q. What is the source of your information about these instances of rape, murder, arson and loot ?

A. As a newspaper man I had tried to ascertain what was happening in the Punjab, and it was during these efforts that I came to know all these instances.

Q. What was the source of your information that the house of Maulana Ghulam Mohay-ul-Din Qasuri had

been earmarked for being burnt or looted ?

A. Maulana Ghulam Mohayud Din Sahib himself.

I cannot give you the date on which the house had been earmarked for loot or arson. It was some time after the first agitation in July and before the commencement of the second agitation in February 1953.

Q. When did Maulvi Sahib talk to you about his house ?

A. He talked of it to me in the Bar Room during the period that I have already mentioned.

Q. During your conversation with the Maulana, was there any reference to the three points mentioned by him in his written statement ?

A. No, except, as I have already submitted, about Janaza prayers.

Q. Did the Maulana say to you that the replies given by Mirza Basair-ul-Din Mahmud Ahmad were not quite satisfactory and that further clarification was necessary ?

A. What he said was that the statement contained certain mental reservations. I cited to the Maulana the instance of a person who was brought to the Holy Prophet on the accusation that though he recited the Kalima he was, in fact,

not a believer in it, and the Holy Prophet ruled that it was not possible for his accusers to penetrate his heart. I reminded the Maulana that Mirza Bashirud Din Mahmud Ahmad had unequivocally admitted our Holy Prophet as Khatim-un-Nabiyyeen and Akhirul Ambiya. I also told the Maulana that Mirza Bashirud Din Mahmud Ahmad had defined a Muslim as a person who claimed to be a Muslim. I asked the Maulana why he was raising the question of any mental reservations after these pronouncements.

Q. Do you know that the Maulana did, in fact, condemn all hooliganism on 1st March 1953 ?

A. The question clearly shows that my interview with the Maulana took place some time before 1st March. I am not aware of any statement having been issued by the Maulana on the date mentioned.

Q. Are you aware that the Maulana and the Majlis-i-Shura had been condemning Government in this matter ?

A. He had been condemning Pakistan, including its Government, ever since.

Q. Is it within your knowledge that on 5th March

the Governor asked the prominent people of Lahore to sign an appeal for peace and condemning hooliganism, and that nobody agreed to subscribe to such an appeal ?

a. Yes. I have heard that Maulana Maudoodi made a speech at the Government House claiming that he could stop the movement if the three demands were conceded. I have also heard that on that occasion Raja Hasan Akhtar said that if the demands were not conceded they will have to use force against the Government. I also understand that after these speeches nobody offered to subscribe to the appeal.

Q. are you aware that before February 1953, the Maulana had organised an Anjuman called "Anjuman-i-Tahaffuz-i-Akhlaq-i-Ama", whose object was to model reformation of the people and condemnation of all forms of hooliganism ?

a. No.

Q. are you aware that "Tasneem" , which represents the views of the Jama'at, openly condemned hooliganism in one of its issues in early March ?

a. I never read the "Tasneem".

- Q. Are you aware that the editors of five newspapers including Nasarullah Khan aziz, editor of "Tasneem" condemned hooliganism in a pressnote issued on 4th March ?
- A. No. But on that date the Jama'at-i-Islami had to discover a defence.
- Q. When did you meet the "high personage" in Karachi ?
- A. I am not sure of the date but it was after my interview with Maulana Maudoodi and before my going to Rabwah a second time.

To Court :-

(Question put on the basis of a telegram just now received:)

Please state whether your father in a speech at Bhopal in 1923 or 1924 uttered the following words :-

"There is no firqa in Islam. If there is any firqa, they are Qadiani who believe in Mirza Sahib as prophet, and Bahais of Iran. These two firqas are outside the pale of Islam."

- A. No. I was in England in those days. My father wrote a book "No Sect in Islam". Near the end of his conclusions in that book, he said that if the Qadiani Ahmadis believed that our Holy

Prophet was not the last of the prophets and that Mirza Ghulam Ahmad Sahib was also a prophet, then that class of Ahmadis would certainly be a new sect in Islam.

To counsel continued :-

- Q. Cannot you give even an approximate idea of the date of you seeing the high personage in Karachi ?
- A. This was two or three days before the declaration of Martial Law.
- Q. Did you yourself seek an interview with the high personage ?
- A. Yes.
- Q. What was your object in seeking an interview with the high personage ?
- A. To apprise him of what was happening in the Punjab. In the course of my talk with him, reference was made to the statement issued by Mirza Bashir-ud-Din Mahmud Ahmad on 23rd February.
- Q. Did the high personage suggest that a further clarification might ease the situation ?
- A. All that he said was that a further statement on the lines suggested by him might be obtained from

Mirza Bashir-ul-Din Mahmud Ahmad.

Q. When did you return to Lahore from Karachi ?

A. In March. I cannot give you the exact date but it was about ten days after the declaration of Martial Law.

Q. Were you still anxious to pursue your laudable object of reducing the gulf between the Ahmadis and the general body of Muslim ?

A. The whip had shut up the Mulla.

Q. In your efforts at rapprochement did you not consider that Maulana Maudoodi was an important factor ?

A. The Maulana was responsible for the whole trouble. His aim was to become Amir-ul-Mummeen of Pakistan. Every Alim supporting the movement was out either to acquire wealth or political power.

Q. What is your view regarding acquisition of wealth with reference to the purchase of the Civil & Military Gazette shares ?

A. They are a liability to me and I have already spent over four lacs in the concern out of my own pocket.

Q. I put it to you that it was after your meeting with

the high personage in Karachi in March 1953 that
you sought an interview with Maulana Maudoodi yourself
and discussed the matters he has mentioned in his
statement and that the story of the alleged threat
is a make-up one ?

A. No. What he has said in his written statement about
my interview with him is all false.

Q. Is there anything personal between you and Maulana
Maudoodi ?

A. No. I have very strong feelings in the matter
because I consider Maulana Maudoodi as having brought
about all this trouble on Pakistan.

Q. If the Maulana had asked you to interview him with
a view to discussing an object that was laudable,
would you not have gone to him ?

A. In this particular case his object was not laudable.
He also knew that I knew him to be an enemy of
Pakistan and that anything he would talk to me
would be taken by me with a pinch of salt.

Q. Knowing all this about Maulana Maudoodi, why did you
say your prayers after him ?

A. I would say my prayers behind any man who subscribes

to the Kalima "

• والى الله محمد والى الله •

Q. If the object was some reproachment between the different creeds which had led to the situation in the Punjab, was not Maulana Maudoodi an important factor to be consulted ?

A. He would have been an important factor if he had been sincere.

It was after my return from Karachi that I went to the Governor to ask for an escort.

Q. How long was this after your return from Karachi ?

A. May be about a week or ten days after my return.

Q. I put it to you that you went to see the Military authorities six or seven days after you met Maulana Maudoodi ?

A. It is not correct .

Q. I put it to you that after you had been asked by the high personage in Karachi to get a sort of further clarification to Mirza Bashir-ud-Din Mahmud Ahmad's statement of 23rd February, you thought fit to consult Maulana Maudoodi also and that is why you, on your own, went to him on or about the 26th March 1953 ?

A. No. This is all wrong.

Q. Will I be right if I say that you are bitterly opposed to the views of Maulana Maudoodi ?

A. Yes. I am opposed to his political ambitions.

Q. Do you agree with his ideal of an Islam State in Pakistan ?

A. I have not bothered myself to ascertain his views on the subject believing as he does the sword to be a mean of acquiring political power.

Q. Would you consider it to be an act of patriotism to defeat Maulana Maudoodi's ambitions ?

A. If his ambitions are against the interests of the State, it will be the duty of every citizen to fight.

Q. Would you go to any extent to destroy such a malicious person as Maulana Maudoodi is being taken by you ?

A. I have never described the Maulana as malicious.

Q. Would you fight against a person having such ambitions ?

A. I would not be permitted by law to use any force.

To Court :-

Q. If you think that by so doing you could defeat the

Maulana in his ambitions, will you make a false statement in Court ?

A. Certainly not.

To Counsel continued :-

Q. Do you know that the Jama'at-i-Islami is a constitutional body and believes that nothing unconstitutional should be done by it ?

A. It is not a constitutional body in the usual sense but it is constitutional in the sense that it has formed a cabinet before there is any occasion for it.

Q. Did you yourself condemn the hooliganism that you have described ?

A. Yes, but in my mind and my talks to my friends. I was not a public man.

Q. And what about the "Civil & Military Gazette" ?

A. It was for the editor to do so.

Cross-examination by Mr. Bashir Ahmad, Advocate,
on behalf of Sadr Anjuman Ahmadiyya, Sabwah :-

Q. Do you know if Chaudhri Muhammad Zafarullah Khan had any opponents in the Cabinet who had supported

the movement ?

A. Yes. there were one or two Ministers each of whom wanted to become the Deputy Prime Minister.

Q. Do you know if Chaudhri Muhammad Zafarullah Khan offered to resign due to the agitation against him ?

A. He twice told the Prime Minister that if he was a liability to Pakistan he would resign at once, but, if on the other hand, he was considered to be an asset to the state it was for the Prime Minister to decide whether he should allow him (Chaudhri Muhammad Zafarullah Khan) to continue or not.

Q. May I know the source of your information ?

A. This was mentioned to me by Chaudhri Muhammad Zafarullah Khan himself.

Q. Did you have any talk on the subject with the Prime Minister ?

A. Yes.

Q. What did the Prime Minister say about it ?

A. He told me that in the interest of the State he could not think of asking Chaudhri Muhammad Zafarullah Khan to resign.

Q. Which of the Ministers were aspiring for the office

of Deputy Prime Minister ?

A. Sardar Abdur Rab Nishtar and to some extent Mr. Fazl-ur-Rahman.

Q. Was any one from the Punjab collaborating with Sardar Abdur Rab Nishtar ?

A. Yes.

Q. Who was he ?

A. Mr. Daultana.

Cross-examination by Mr. Fatah Muhammad Aziz,

for Ahmadiyya anjuman-i-ashha'at-i-Islam :-

Q. What is the technical definition of a Nabi ?

A. A Nabi, in the technical sense, must be recipient of wahi-un-Nabi. Such a Nabi is ma'sum. Some Nabis come with a code of laws; other Nabis just come with certain directions from God.

Q. Who is a Musalman ?

A. You will find the definition of a Musalman in the Qur'an and the Hadith (sura-i-al-Baqarah verse 136, and sura-i-al-i-Imran, verses 84 and 85).

The verses, as translated by Allame Abdullah

Yusuf Ali, are as follows :-

Verse 136 of Sura-i-al-Baqarah :-

"We believe in Allah and the revelations given to us and the revelation given to Abraham, Ishmael, Isaac, Jacob and the tribes, and that given to Moses and Jesus, and that given to all prophets from their Lord. We make no difference between one and another of them and we bow to God (in Islam)".

The definition given in verse 84 of Sura-i-al-i-Imran is identical with the one given in Verse 136 of Sura-i-al-Baqarah, except that in the former the word "qul" is used instead of the word "qulu" in the latter.

Verse 85 of Sura-i-al-i-Imran is only to the effect that those who do not have the belief mentioned in the immediately preceding verse are not in Islam.

The Holy Prophet said : "Those who say prayers like us and face our Qibla in prayers like us and eat our zaboha are Muslims". To me, a man, who recites and subscribes to the Kalima, is a Musalman.

Mirza Sahib never used the word "Nabi" for himself without qualifying it. He used that word for himself merely because he said that God had used this word for

Verse 136 of Sura-i-al-Baqarah :-

"We believe in Allah and the revelations given to us and the revelation given to Abraham, Ishmael, Isaac, Jacob and the tribes, and that given to Moses and Jesus, and that given to all prophets from their Lord. We make no difference between one and another of them and we bow to God (in Islam)".

The definition given in verse 64 of Sura-i-al-i-Imran is identical with the one given in Verse 136 of Sura-i-Al Baqarah, except that in the former the word "qul" is used instead of the word "qulu" in the latter.

Verse 85 of Sura-i-al-i-Imran is only to the effect that those who do not have the belief mentioned in the immediately preceding verse are not in Islam.

The Holy Prophet said : "Those who say prayers like us and face our Qibla in prayers like us and eat our zabaha are Muslims". To me, a man, who recites and subscribes to the Kalima, is a Musalman.

Airza Sahib never used the word "Naqi" for himself without qualifying it. He used that word for himself merely because he said that God had used this word for

him in place of the word "muhaddas".

To Court :

Q. In what way did God address him as Naqi ?

A. The communication must have been by ilham, but I cannot explain how ilham occurs.

To Mr. Yaqub Ali counsel for Mr. Daultana :-

Q. What is the date of the deputation which waited on His Excellency ?

A. I cannot give you the date but it was some time in winter.

Q. When you saw the Governor for the second time, had the Daultana Ministry resigned ?

A. Yes.

Q. When did Dr. Ishtiaq Husain Qureshi come to Lahore ?

A. I think his visit was during the winter months.

Q. I put it to you that the date of that visit was time in July and August when the Doctor came to Lahore in connection with a newspaper's exhibition?

A. I am not in a position to contradict this but to the best of my recollection, it is not correct.

Q. What brought Dr. Ishtiaq Husain Qureshi to Lahore?

A. I do not know.

Q. What were the papers which were writing articles which you say were identical to the extent of common punctuation ?

A. The Insaan, the Zamindar, the Tasneem and the Maghribi Pakistan.

Q. Can you produce these newspapers ?

A. I will have to look for them. All such papers were collected by some one and handed over to Mr. Gurmiani.

(Witness in the form of a file volunteers : A conference of newspapers was called at Lahore by Dr. Iqbal Masih Qureshi. That conference was attended, among others, by Mr. Hamid Nizami, Mir Nur Ahmad and Mr. Yaqub Khan, the editor of the Civil & Military Gazette. I understand that Mr. Hamid Nizami charged Mir Nur Ahmad with the responsibility for the articles I have mentioned.)

The articles which Mir Nur Ahmad was supposed to have written appeared in the papers from July to October 1952. I saw some of those articles myself.

They all related to the Khatm-i-Nabuwat movement.

Q. Will you now be able to trace these articles ?

A. Yes certainly, if I have time enough to examine the papers for the relevant period.

As far as I know, Mir Nur Ahmad did not contribute any article regarding Khatm-i-Nabuwat agitation in the name of "Muhagglq".

To Court :-

Q. You told this Court in your evidence that you still remember an article by "Muhagglq". Can you tell us what that article was ?

A. That article related to a misunderstanding between the Centre and the Province.

To Counsel , contd :

Q. Who purported to be the writer of the articles which you say had a common origin ?

A. I do not remember.

I never stated in my evidence that these articles were written by Mir Nur Ahmad himself; what I stated was that he was responsible for these articles.

The entire department under Mir Nur Ahmad was working for the anti-Ahmadi movement. As all these

articles having a common origin emanated from the Public Relations Department, Mir Nur Ahmad must have been in the know of the matter.

Q. How do you know that these articles emanated from the office of the D.P.S. ?

A. I have my information and this was corroborated by Mir Nur Ahmad's admission before Dr. Ishtiaq Husain Qureshi. There information that percolated into the office of my paper convinced me that the D.P.S. was responsible for these articles.

Q. Who brought the information to the office of the Civil & Military Gazette ?

A. I do not know it myself. Such information used to be brought to the editor.

The person who gave the collection of newspapers to Mr. Jurmari was Mr. Jamil Hizami, the editor of the "Nawai Waqt".

Q. Is it a fact that on the resignation of Daultana Ministry and the coming into office of the present Ministry you started the "Daily Millat" at the instance and with the approval of the new Ministry

in order to decry Daultana Ministry and to launch a campaign against the agrarian reforms which had been introduced by Mr. Daultana on the understanding that the new Ministry would support your newspapers ?

A. No.

Q. Please look at the articles in the "Civil & Military Gazette" and the "Millat", Lxs, D.L. 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177 and 178. Do they not criticise the previous Ministry and the agrarian reforms introduced by it ?

A. They do not represent the views of the management. I am not responsible for these articles. The editor is responsible for any articles written by him and he is not responsible for the articles contributed by named or unnamed correspondents. The tendency of these articles is for the Court to infer.

Q. Were you not a supporter of the present Ministry and a decrier of the deposed Ministry ?

A. There can be no such question because Mr. Daultana

is the son of a great personal friend of mine,

Q. Do you or do you not know what appears in your paper ?

A. Not from day to day.

Q. Is the policy of the "Civil & Military Gazette" in favour of the present and against the previous Ministry ?

A. It is the policy of the paper to support Government established by law.

Q. Is it a part of the policy of your paper to decry a deposed ministry ?

A. No.

Q. I put it to you that the consistent policy of the "Civil & Military Gazette" and the "Millat", after the deposition of the previous Ministry, has been against that Ministry ?

A. No.

Q. Is not opposition to the agrarian reforms of the previous Ministry and opposing that Ministry from coming into office again a part of the policy of both of your newspapers ?

A. No. The only policy of these papers is to

support the Government and in case of a conflict between the Centre and the Province to support the former. In other matters the policies are left to be determined by the editors themselves. I am Chairman of the Board of Directors of the "Civil & Military Gazette" and hold over 23,000 shares of the nominal value of Rs. 53/- each. This is out of 24,000 odd shares.

- Q. are you not anxious to mould the policy of these papers according to your own personal views ?
- A. No.
- Q. In what sense are you a newspaperman if you leave the policy of the papers in the hands of your editors and do not see what is daily published in these papers ?
- A. I look after the financial aspect of the undertaking and I have already told you that in certain matters the policy of the paper is determined by me.
- Q. Were you a personal friend of the former Prime Minister ?
- A. I would not say yes.

Q. And of Dr. Ishtiaq Husain Qureshi ?

A. I am his friend.

Q. When you were sent for by the former Prime Minister, did he call you as Khawaja Nazir Ahmad or as a newspaperman ?

A. It is for the Prime Minister to reply to this question.

Q. Did your talks with him relate to your newspaper ?

A. Very rarely.

Q. Did he talk politics ?

A. Yes.

Q. Did you see Dr. Ishtiaq Husain Qureshi in your personal capacity or as representing your paper ?

A. I went to him with a complaint against Mir Nur Ahmad.

Q. And in what capacity did you go to the Governor ?

A. I did not go to him myself; His excellency sent for me. I had originally gone to Major-General Muhammad Azam Khan to request him for the provision of an escort to Rawan. Two or three days later, His Excellency sent for me and told me about the facilities that could be provided to me in the matter of an escort.

Q. Was anything else said by the Governor on this occasion ?

A. I have already said that the Governor remarked that Mr. Daultana had bad advisers.

Q. In what capacity were you called by the Governor ?

A. His Excellency should know it.

Q. Did you see His Excellency alone ?

A. Yes.

Q. Was not the "Civil & Military Gazette" a consistent and ardent supporter of the Daultana Ministry up to 22nd March 1953 ?

A. The paper was following the policy which I have already mentioned to you.

Q. If I put it to you that the policy of the "Civil & Military Gazette" up to the time the Daultana Ministry resigned from office was to support each one of the following items :-

- (1) agrarian reforms ;
- (2) Anti-Corruption Drive ;
- (3) its attitude towards the Khata-i-Nabuwat Movement ;

- (4) the management of the movement of the

Muslim League under the Presidentship of
Mr. Daultana ; and

(5) achievements made by the Ministry during the
period it was in office ;

and I draw your attention to the policy of the two news-
papers after the 22nd March 1953 and point out to you
that on each one of the subjects your papers are constantly
decrying the Daultana Ministry and the items of its policy
and party programme, will you agree with me that since
the resignation of the Daultana Ministry your newspapers
have adopted a hostile attitude towards Mr. Daultana and
that these also represent your personal views ?

a. Will you show me a single article in these two papers
where we have praised the Daultana Ministry for
supporting the Khair-i-Nabuwat Movement, or
condemned it for being against the Khair-i-Nabuwat
Movement ? Similarly, can you point to a single
article in which we praised the Daultana Ministry
for being corrupt or condemned it for being against
corruption ?

The same is my answer regarding the other subjects.

Q. You have not understood me correctly. What I

meant to ask you was, for instance, in respect of anti-corruption, when the previous Ministry was in office. You praised its effort for removing corruption from the Province, but, after its resignation, you are decrying it for having done nothing to remove corruption from the Province ?

- A. is
This/not true. A Government may itself be corrupt and may be against corruption in others.

(Mr. Yaqub Ali Khan places on record Ex. D. 179
to Ex. D. E. 188.)

- Q. Have you any particular reason to be grateful to the present Ministry ?

- A. None whatsoever.

- Q. When did you strike the deal relating to the sale of shares by Dalmia Cement & Paper Marketing Company, Limited ?

- A. Sometime in November 1949.

- Q. Is there any sale deed about it ?

- A. In the case of sale of shares, there is never a sale deed.

Q. Any correspondence relating to the terms of the sale ?

A. Yes.

The letters relate to the terms which I have already disclosed. .

The deal was examined by Mr. Justice Tayebji as Law Secretary of the Government of Pakistan and by Mr. Justice S.A. Rahman as Custodian. The former had to examine my title to the shares and the latter had to state about the evacuee nature of the Civil and Military Gazette Limited. They both reported that my title was clean and that the concern was non-evacuee property. Subsequently both Governments made statements in a Court of law that the Civil and Military Gazette concern was not evacuee property.

Q. I put it to you that because your title to the shares is defective, it is your policy to support any Government that may be in office, so that the validity of your title to the shares may not be examined ?

A. I have told you that my title is perfectly clean and that it has been examined by two legal authorities.

Q. Did you get a declaration under section 18 of the evacuee property Ordinance ?

A. The law did not require any such declaration. The property was movable property and belonged to people who had never been in Pakistan and were, therefore, not evacuees.

Q. You have said that Sardar Abdur Rab Nishtar was collaborating with Mr. Daultana. What are your reasons for that conclusion ?

A. When the B.P.C. report was introduced in the Constitution Assembly, I wrote an article in the "Dawn" and in that I charged sardar Abdur Rab Nishtar for having betrayed the interests of the Punjab whose representative he was. I did not name him in the paper, but it could be judged that the reference in that article was to Sardar Abdur Rab Nishtar. My charge against him was that he had agreed to the reduction in the number of seats for the Punjab in the Legislative Assembly and given weightage to East Bengal on the strength of an unreliable census report. When Khwaja Nazim-ud-Din and Sardar Abdur Rab Nishtar came to Lahore to discuss the proposals of the Basic Principles

Committee's report, a deputation of the Bar waited upon them. I was one of the members of that deputation. While discussion was going on, Sardar Abdur Rab Nishtar asked me aside. This was in the presence of the cross-examiner, Mr. Yaqub Ali Khan. Accordingly we both walked away from the table. Sardar Abdur Rab Nishtar then told me that my charge against him in the "Dawn" was not justified and that, in fact, it was Mr. Daultana who had agreed to the reduction of the seats. I then asked him whether the occasion for that explanation was his desire to become the Deputy Prime Minister and for Mr. Daultana to become the Prime Minister. I do not know whether it was for want of a better answer or out of sheer disgust that he returned to the table, and so did I.

Q. When you said that your newspaper was supporting the Central Government, did you mean to say that the paper's support was referable to Khwaja Nazimud Din personally ?

A. No.

Q. Were you out to praise Khawaja Nazimud Din so long as he was in office ?

- A. No. I have told you that the policy of the paper was to support the Central Government.
- Q. Is it a fact that your paper started writing against Khawaja Nazimud Din after he fell from office ?
- A. I should not believe it.
- Q. Is it not true that you started your campaign against Mr. Daultana just after the visit of Khwaja Nazimud-Din to Lahore after the proclamation of Martial Law ?
- A. No.
- Q. Did you about the date of the Prime Minister's visit to Lahore, tell someone who is present in Court now, that you wanted Mr. Daultana to quite and make way for a new Ministry ?
- A. I have a vague recollection that I and the cross-examiner Mr. Yaqub Ali Khan, were agreed on this point.
- Q. I put it to you that you are completely mistaken about myself and that your talk was with Mr. Nazir Ahmad Khan, counsel for Jama'at-i-Islami ?
- A. I am not mistaken about my talk with the cross-examiner. It is, however, true that in those very days I also had a talk with Mr. Nazir Ahmad Khan.

But we both took it for granted that Mr. Daultana was to go. On that assumption I also made some suggestions to Mr. Nazir Ahmad Khan.

Q. Did you come across a notice by the Court of Inquiry that anyone who intended to give evidence relevant to the matters referred to the Court should communicate with the Secretary of the Court of Inquiry ?

A. No. I was in Quetta.

Q. Have you been following the proceedings of this Court ?

A. No.

Q. Are the proceedings reported in the Civil and Military Gazette ?

A. The proceedings are reported in the Civil and Military Gazette, but I do not read the newspaper regularly.

I wrote a letter to the Court on finding that Maulana Maudoodi had made a false statement about me in his written statement. I was not interested in the inquiry at all. The question of my being engaged by the Jama'at-i-Islami for this inquiry was discussed with Mr. Said Malik, but I required him to come with the cheque book so that in

case we agreed, a cheque in my favour could be immediately drawn. I did not have in view the importance of my evidence on other matters when I wrote the letter Ex. D.8. 150. All that I was concerned with at that time was that the allegation by Maulana Maudoodi about myself was wrong and that

I should inform the Court of this fact.

Q. Did you mention the other matters to which you have reposed today to anyone ?

A. I was talking of them to everyone.

Q. Did you mention this to the counsel for the Punjab Government ?

A. I might have, though I am not quite sure about it.

B. O & A. C.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

17th November 1953.

Proceedings adjourned till tomorrow.

Sd. M. MUNIR.
PRESIDENT.

Sd. M. B. KAYANI.
MEMBER.

17th November 1953.